

NC

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18-779-TR-CVF

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Ohio NB Office
419 Northland Blvd. Cincinnati, OH 45240
p. (513) 851-3500 | usasales@cleanlites.com

RECEIVED-DOCKETING DIV
2018 APR 30 PM 2:18

PUCO

April 20, 2018

Case Number: OH3202306599C

Public Utilities Commission of Ohio
Attn: Docketing Division
180 East Broad Street
Columbus, OH 43215-3793

Dear Sir or Madam:

USA Lamp & Ballast Recycling INC would like to file a "Request for an Administrative Hearing". The request is in regard to a citation that our driver, Anthony Mitchell, received on 02/26/2018. The appropriate measures have been followed and have led to the request for an Administrative Hearing.

USA Lamp & Ballast feels the citation received was a misunderstanding and would like a chance to speak with your office in the matter.

The violations cited were all, except 1, in regard to Hazardous Materials. The truck was not transporting Hazardous Materials but did mistakenly leave a Class 8 placard on the truck from the day before.

Thank you very much for your time in this matter.

Sincerely,


Benny Coyt EHS Manager

USA Lamp & Ballast INC
419 Northland BLVD
Cincinnati, OH 45240
P: 513-766-0318

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Public Utilities Commission

Asim Z. Haque, Chairman

Commissioners

M. Beth Trombeld
Thomas W. Johnson
Lawrence K. Friedman
Daniel R. Conway

04/06/2018

OH3202306599C
Benny Coyt
PO BOX 212
MASON, MI 48854

RECD by: _____
Acct# _____

APR 16 2018

PAID: _____
CK#: _____

RE: **NOTICE OF PRELIMINARY
DETERMINATION**
Case No. OH3202306599C

Dear Sir or Madam:

On 02/26/2018, a vehicle operated by USA LAMP & BALLAST RECYCLING INC. and driven by ANTHONY L. MITCHELL, was inspected within the State of Ohio. As the result of discovery of the following violations of the Commission's rules, Staff of the Commission timely notified USA LAMP & BALLAST RECYCLING INC (Respondent) pursuant to rule 4901:2-7-07, Ohio Administrative Code (O.A.C.), that it intended to assess a civil forfeiture against the Respondent in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
397.2	0	Must comply with rules in Parts 390-397 of the FMCSR when transporting Hazardous Materials	
397.67	4	HM vehicle routing violation (non RAM)	500.00
172.301 A1	-	No proper shipping name and/or ID# marking on non-bulk package	420.00
172.400A	-	Package or containment device not labeled as required* not marked with Class 9 warning label	420.00
172.504A	-	Vehicle not placarded as required* CMV improperly displaying Class 8 warning placards & UN2794 ID markings while transporting Class 9 HM only	210.00
177.817A	-	No or improper shipping papers (carrier): HM shipping paper fails to provide total weight of shipment	420.00
177.834A	-	Package not secure in vehicle* class 9 HW packages not secured	280.00
		Total of Group 0	0.00
		Total of Group 4	500.00
		Total Hazmat	1750.00





Public Utilities Commission

Asim Z. Haque, Chairman

Commissioners

M. Ben Tumbule
Thomas W. Johnson
Lawrence K. Friedman
Daniel R. Conway

TOTAL AMOUNT DUE: \$2,250.00

A conference was conducted pursuant to rule 4901:2-7-10, O.A.C., at which the Respondent had a full opportunity to present any reasons why the violation did not occur as alleged, mitigating circumstances regarding the amount of any forfeiture, and any other information relevant to the action proposed to be taken by Staff.

As a result of the conference, Staff has made a Preliminary Determination that the Commission should assess a civil forfeiture against USA LAMP & BALLAST RECYCLING INC in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
397.2	0	Must comply with rules in Parts 390-397 of the FMCSR when transporting Hazardous Materials	
172.301 A1	-	No proper shipping name and/or ID# marking on non-bulk package	420.00
172.400A	-	Package or containment device not labeled as required* not marked with Class 9 warning label	420.00
172.504A	-	Vehicle not placarded as required* CMV improperly displaying Class 8 warning placards & UN2794 ID markings while transporting Class 9 HM only	210.00
177.817A	-	No or improper shipping papers (carrier): HM shipping paper fails to provide total weight of shipment	420.00
177.834A	-	Package not secure in vehicle* class 9 HW packages not secured	280.00
397.67	4	HM vehicle routing violation (non RAM)	500.00
		Total of Group 0	
		Total of Group 4	500.00
		Total Hazmat	1750.00

TOTAL AMOUNT DUE: \$2,250.00

Within 30 days of this notice, you must either: (1) pay the assessed civil forfeiture or (2) file a written request for an administrative hearing pursuant to rule 4901:2-7-13, O.A.C. Failure to file a written request for an administrative hearing within 30 days shall constitute a waiver of your right to further contest the violations and will conclusively establish the occurrence of the violations. Such failure shall also constitute a waiver of your right to further contest liability to the state of Ohio for the civil forfeiture described in the notice and will result in the forfeiture amount being referred to the Ohio Attorney General's office for collection.





Public Utilities Commission

Asim Z. Haque, Chairman

Commissioners

M. Beth Thomas
Thomas W. Johnson
Laurence K. Friedman
Daniel R. Conway

Please consult the enclosed instruction sheet for additional information regarding this Notice of Preliminary Determination.

Sincerely,

A handwritten signature in black ink, appearing to read "Rod Moser".

Rod Moser, Chief of Compliance
Transportation Department

Compliance Officer: Thomas Persinger

