



## Ohio NB Office

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

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

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 Date Processed 04 30 18

## Ohio | Public Utilities Commission

Commissioners

M. Beth Trombold Thomas W. Johnson Lawrence K. Friedeman Daniel R. Conway

ОН3202306599С		
Benny Coyt		
PO BOX 212		
MASON, MI 48854		

Acct#\_\_\_\_ APR 16 2018

RECD by:\_\_\_\_

RE:

04/06/2018

NOTICE OF PRELIMINARY

**DETERMINATION** 

Case No. OH3202306599C

Dear Sir or Madam:

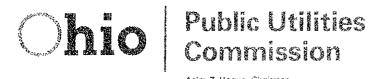
On 02/26/2018, a vehicle operated by USA LAMP & BALLAST RECYCLING INC, and driven by ANTHONY L MITCHELL, was inspected within the State of Ohio. As the result of discovery of the following violations of the Commission's rules, Staff of the Commission timely notified USA LAMP & BALLAST RECYCLING INC (Respondent) 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	21 0.00
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

180 East Broad Street Columbus, Ohio 43215-3793

(614) 466-3016 www.PUCO.ohio.gov





Commissioners

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## 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 A	-	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
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		placards & UN2794 ID markings while transporting Class 9 HM only	
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 <u>either</u>: (1) pay the assessed civil forfeiture <u>or</u> (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.

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Commissioners

M. Belli Tromne o Thomas W. Johnson Lawrence K. Friedoman Daniel R. Opeway

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

Sincerely,

Rod Moser, Chief of Compliance Transportation Department

Compliance Officer. Thomas Persinger

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