

N.C.
FILE

January 25, 2010

Request for Administrative Hearing

10-90-TR-CVF

I would like to request an Administrative Hearing regarding a violation received on October 29/09, case number 3202304884S. Details below:

On October 29, 2009, a vehicle operated by MAUMEE EXPRESS INC, was inspected within the State of Ohio by staff of the Transportation Department of the Public Utilities Commission of Ohio. As the result of discovery of the following apparent violations, of rule 4901:2-5-02,O.A.C., the Commission intends to make a civil monetary assessment against SAFETY KLEEN CORP in the following amounts:

CODE	UNIT	VIOLATION	FORFEITURE
173.24B1	2	Release of Hazardous Materials from package	\$ 2200.00
173.30	2	IMPROPER LOADING AND UNLOADING OF VEH	\$ 1760.00

Further communication on this matter should be directed to:

Rex Dillabough
Safety-Kleen Systems Inc
5360 legacy Dr
Bldg 2, Ste 100
Plano, TX
75024



Rex Dillabough
Director Transportation Compliance
Safety-Kleen Systems Inc
905-355-1538 (Canada)
972-265-2335 (Plano)
469-644-2897 (Cell)

rex.dillabough@safety-kleen.com
www.safety-kleen.com

PUCO

2010 JAN 27 PM 12:05

RECEIVED-DOCKETING DIV

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 mm Date Processed 01-27-10



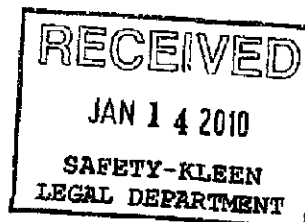
**Public Utilities
Commission**

Ted Strickland, Governor
Alan R. Schriber, Chairman

Commissioners

Ronda Hartman Fergus
Valerie A. Lemmie
Paul A. Centolella
Cheryl Roberto

January 4, 2010



MR REX DILLABOUGH
DIRECTOR TRANSPORTAT SAFETY KELLE CORP
5360 LEGACY DRIVE BUILDING 2
SUITE 100
PLANO, TX 75024

RE: NOTICE OF PRELIMINARY DETERMINATION

Case No. 3202304884S

Officer:

Dear MR DILLABOUGH:

On October 29, 2009, a vehicle operated by MAUMEE EXPRES and driven by JOHNNY LACOSTA, was inspected within the State of Ohio. As the result of discovery of the following apparent violations the Staff timely notified Respondent pursuant to Rule 4901:2-7-07, O.A.C., that it intended to make a civil monetary assessment against Respondent in the following amounts:

Code	Violation	
173.24B1	Release of Hazardous Materials from package (\$ 2200.00
173.30	IMPROPER LOADING AND UNLOADING OF VEH	\$ 1760.00

Total Forfeiture Assessed :

A conference was conducted pursuant to Rule 4901:2-7-10(B), O.A.C., at which the Respondent had a full opportunity to present any reasons why the violations 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.

(continued)





Public Utilities Commission

Ted Strickland, Governor
Alan R. Schriber, Chairman

Commissioners

Ronda Hartman Fergus
Valerie A. Lammie
Paul A. Centolella
Cheryl Roberto

January 4, 2010
MR REX DILLABOUGH
DIRECTOR TRANSPORTAT SAFETY KELLE CORP
3202304884S

PAGE ~2

As a result of the conference, Staff has made a Preliminary Determination that the Commission should make a civil monetary assessment against SAFETY KELLE CORP in the following forfeitures:

Code	Violation	
173.24B1	Release of Hazardous Materials from package (\$ 2200.00
173.30	IMPROPER LOADING AND UNLOADING OF VEH	\$ 1760.00

Total Forfeiture Agreed :

Please include a certified check or money order for the N.P.D. forfeiture total, made payable to "Treasurer State of Ohio," and mail to: PUCO FISCAL, 180 E. Broad St, 10th floor, Cols. OH 43215-3793. FOR PROPER CREDIT, BE SURE TO PUT THE CASE NUMBER ON THE FACE OF THE CHECK.

Please consult the enclosed additional information concerning this Notice of Preliminary Determination.

Robert E. Marvin, Director
Transportation Department
Public Utilities Commission of Ohio



INSTRUCTION SHEET

NOTICE OF PRELIMINARY DETERMINATION

You have received a "Notice of Preliminary Determination" pursuant to Rule 4901:2-7-12, Ohio Administrative Code. This Notice of Preliminary Determination is based upon the inspection report prepared in this case, further review and investigation by the Staff, and information presented in a settlement conference with the Staff, if held.

Within thirty (30) days of receipt of this Notice you must either: (1) Pay the civil forfeiture indicated in the Notice, or (2) File a written "Request for Administrative Hearing." **If you do not pay the civil forfeiture or file a "Request for Administrative Hearing" within thirty days, you will waive your right to further contest the violation and the civil forfeiture, and you will be subject to an order of the Commission placing you in default and referring your case to the Ohio Attorney General for collections.**

Both procedures are described below. Please read them carefully.

1. How to Pay the Forfeiture:

If you do not wish to further contest the civil forfeiture indicated in the Notice, you must make payment of the civil forfeiture indicated in the Notice by check or money order (no Canadian postal money orders please) made payable to: "Treasurer, State of Ohio" and must indicate the case numbers for which payment is being made. Please use the **ENCLOSED ENVELOPE** to make payment or mail the payment to the following address:

The Public Utilities Commission of Ohio
Attention: Fiscal Department
180 East Broad Street, 4th Floor
Columbus, Ohio 43215-3793

THE CASE NUMBER AND THE COMPANY NAME MUST BE WRITTEN ON THE FACE OF YOUR CHECK OR MONEY ORDER.

2. How file a "Request for Administrative Hearing":

If you do wish to further contest the civil forfeiture indicated in the Notice, you should file a "Request for Administrative Hearing" with the Commission's Docketing Division. Please note that you must file a "Request for Administrative Hearing" in order to further contest the civil forfeiture or compliance order in this matter, even if you had previously served upon the Staff a "Request for Conference." Your "Request for Administrative Hearing" must be in writing and should be mailed or otherwise delivered within thirty (30) days after receipt of the Notice of Preliminary Determination to the following address:

The Public Utilities Commission of Ohio
Attention: Docketing Division
180 East Broad Street, 11th Floor
Columbus, Ohio 43215-3793

(Over please)

Your "Request for Administrative Hearing" should contain the case number indicated on the of Preliminary Determination and the name, address, and telephone number of the person to whom further communications regarding this matter should be directed. A copy of the Notice of Preliminary Determination must be attached to your "Request for Administrative Hearing."

3. The Administrative Hearing

Following receipt of your "Request for Administrative Hearing," the Commission will initiate an administrative hearing proceeding in this matter and set a date for an evidentiary hearing. The evidentiary hearing will be held at the Commission offices in Columbus, Ohio and may consist of written stipulations, oral testimony or such other evidence which is admitted. An Attorney-Examiner employed by the Commission will preside over the administrative hearing. Following the administrative hearing, the Commission will make its decision in this matter. The decision of the Commission may be appealed to the Franklin County Court of Appeals.

4. Failure to file a "Request for Administrative Hearing"

If you do not file a timely "Request for Administrative Hearing," in the manner described above, you will waive your right to contest liability to the State of Ohio for the amount of the civil forfeitures indicated in the Notice of Preliminary Determination, even if you had previously served upon the Staff a "Request for Conference" in this matter. The occurrence of the violations described in the Notice of Preliminary Determination will be conclusively established in your history of violations for the purposes of determining the amount of the penalty for future violations.

5. Violation Codes and Amounts

"Code" in the Notice of Preliminary Determination identifies the rule or regulation which was violated. Numbers in a 100 or 300 series refer to sections of the Hazardous Materials Regulations or the Federal Motor Carrier Safety Rules, respectively, contained in Title 49, Code of Federal Regulations. Codes in other formats refer to violations of the Ohio Revised Code or the Ohio Administrative Code.

Section 4905.83, Ohio Revised Code, authorized the Commission to assess a civil forfeiture of up to \$10,000.00 per day for any violation of the rules governing the highway transportation of hazardous materials against any person who transports, or offers for transportation, hazardous materials. The amount of the forfeiture depends on the nature, gravity, extent and circumstances of the violations and the degree of culpability, history of violations, effect upon ability to continue in business and ability to pay of the person who committed the violation.

Please contact the Compliance Division at (614) 466-0351 if you need additional information regarding this Notice of Preliminary Determination.