

FILE



Philadelphia Refining Complex  
Environmental Department

Philadelphia Energy Solutions  
Refining and Marketing LLC  
3144 W Passyunk Avenue  
Philadelphia, PA 19145-5208  
215-339-2000

FedEx Tracking Number 7723 6179 9275

May 31, 2018

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

18-478-TR-LVF

PUCO

2018 JUN - 1 AM 11:59

RECEIVED DOCKETING DIV

RE: Request for an Administrative Hearing  
Case No. OH1569000327S3

ATTENTION: DOCKETING DIVISION:

We are requesting an administrative hearing for the above referenced case. The Notice of Preliminary Determination is attached. As per our telephone conversations with Thomas Persinger on April 25<sup>th</sup> and April 26<sup>th</sup>, Philadelphia Energy Solutions Refining & Marketing LLC (PES) was not responsible for shipment of the RCRA empty truck referenced in the violation. The manifest cited in the notice was a copy of the original manifest. This copy was with the RCRA empty truck to show what the truck last contained. The original shipment was received by the designated facility on February 26, 2018. The inspection of the RCRA empty truck was performed on March 2, 2018.

The manifest copy provided by the driver as well as the second copy emailed to the Ohio Public Utilities Commission were provided by Sumter Transport Company, not by PES. PES was not contacted regarding this shipment during the inspection or subsequent to the inspection until receipt of the alleged notice of violation. The original manifest was legible and a copy is attached for your review.

Further communication on this matter should be addressed to:

Janet Ferris  
Philadelphia Energy Solutions  
3144 West Passyunk Ave  
Philadelphia, PA 19145  
215 339-7416

Please contact me at your earliest convenience.

Sincerely,

A handwritten signature in black ink that reads "Janet Ferris".

Janet Ferris  
Environmental Manager

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 MA Date Processed JUN 01 2018



# Public Utilities Commission

Asim Z. Haque, Chairman

Commissioners

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

05/01/2018

OH1569000327S3  
Janet Ferris  
3144 PASSYUNK AVENUE  
PHILADELPHIA, PA 19145

RE: **NOTICE OF PRELIMINARY  
DETERMINATION**  
Case No. OH1569000327S3

Dear Sir or Madam:

On 03/02/2018, a vehicle operated by SUMTER TRANSPORT COMPANY, and driven by CHARLES L GREEN, 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 PHILADELPHIA ENERGY SOLUTIONS (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
172.201D	-	ER phone number not listed: ER # not legible	75.00
172.202A1	-	Improper shipping name" Hazardous material product not legible	25.00
172.202A2	-	Improper hazard class: class not legible	25.00
172.202A3	-	Wrong or no ID number: UN ID# not legible	25.00
172.202A4	-	No packing group listed: Packing group not legible	25.00
		Total Hazmat	175.00

**TOTAL AMOUNT DUE: \$175.00**

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.

180 East Broad Street  
Columbus, Ohio 43215-3793

(614) 466-3016  
[www.PUCO.ohio.gov](http://www.PUCO.ohio.gov)





# Public Utilities Commission

Asim Z. Haque, Chairman

## Commissioners

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

As a result of the conference, Staff has made a Preliminary Determination that the Commission should assess a civil forfeiture against PHILADELPHIA ENERGY SOLUTIONS in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
172.201D	-	ER phone number not listed: ER # not legible	75.00
172.202A1	-	Improper shipping name" Hazardous material product not legible	25.00
172.202A2	-	Improper hazard class: class not legible	25.00
172.202A3	-	Wrong or no ID number: UN ID# not legible	25.00
172.202A4	-	No packing group listed: Packing group not legible	25.00
		Total Hazmat	175.00

**TOTAL AMOUNT DUE: \$175.00**

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.

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

180 East Broad Street  
Columbus, Ohio 43215-3793

(614) 466-3016  
[www.PUCO.ohio.gov](http://www.PUCO.ohio.gov)



**ROADSIDE INSPECTION  
INSTRUCTION SHEET  
NOTICE OF PRELIMINARY DETERMINATION**

***Please read this instruction sheet carefully. It contains information about your rights and responsibilities in regard to this Notice of Preliminary Determination.***

You have received a "Notice of Preliminary Determination" as described in Rule 4901:2-7-12, Ohio Administrative Code (O.A.C.). **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.** If you do not pay the forfeiture or file a request for an administrative hearing within 30 days of this notice, your case will be placed in our default process. Both procedures are described below.

**1. How to Pay the Forfeiture**

If you do not wish to further contest the violations described in this notice, you may make payment of the civil forfeiture indicated in this notice via one of the following methods:

**Online** at <https://omcis.puc.state.oh.us/home.aspx>. You will need your case number and PIN located on the enclosed voucher.

**Mail**: send a check or money order (no Canadian postal money orders) made payable to "Treasurer, State of Ohio." **In order to assure proper credit, you must write the case number on the face of the check or money order.** Please send payment to the following address:

Public Utilities Commission of Ohio  
Attn: CF Processing  
180 East Broad Street, 4th Floor  
Columbus, OH 43215-3793

**2. How to File a Request for an Administrative Hearing**

If you wish to further contest the violations described in this notice, **you should file a "Request for an Administrative Hearing"** with the Commission's Docketing Division as described in Rule 4901:2-7-13, O.A.C. Your "Request for an Administrative Hearing" must be **in writing** and must contain the **case number** indicated on this notice. Also, please include the **contact name, address, and telephone number**, of the person to whom further communications regarding this matter should be directed. The request shall be signed by the respondent or its authorized representative. A copy of this "Notice of Preliminary Determination" must be attached to your request.

Your "Request for an Administrative Hearing" must be mailed or hand-delivered **within 30 days of this notice** to the following address:

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

**3. Failure to Submit a Request for an Administrative Hearing**

If you do not serve a timely "Request for an Administrative Hearing" in the manner described above, you will forfeit your right to further contest the violations described in this notice and the occurrence of the violations will be conclusively established. 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 this notice and will result in the forfeiture amount being referred to the Ohio Attorney General's office for collection.

#### **4. Codes, Violation Groups, and Forfeiture Amounts**

"Code" in this notice identifies the rule that was violated. Numbers in a 100 or 300 series refer to specific sections of the Hazardous Materials Regulations or the Federal Motor Carrier Safety Regulations located in Title 49 of the Code of Federal Regulations (C.F.R.). Some section numbers may have suffixes beyond those which appear in the C.F.R. These are used for internal data collection purposes. Codes in other formats refer to violations of Ohio's statutes or regulations.

"Violation Group" identifies the numerical group (1-4) of the violation for purposes of calculating the civil forfeiture. Section 4923.99, Ohio Revised Code, authorizes the Public Utilities Commission of Ohio to assess a civil forfeiture of up to \$25,000 for each day of each violation. The amount of any forfeiture depends upon the nature, gravity, circumstances, and extent of the violation, the offender's degree of culpability for the violation, and the offender's history of violations. "Total Amount Due" is the total amount of the civil forfeiture assessed for all violations described in this notice.

For additional information regarding the civil forfeiture program, please contact the Compliance Division.

#### **5. Violations of 49 C.F.R. 383.51, 391.15, 392.5(c)(2), 392.10, 392.80(a), 392.82(a), 395.13(d), 396.9(c)(2), and rule 4901:2-5-07(D) of the Ohio Administrative Code**

If you are "convicted" of violating any of the following: 49 C.F.R. 383.51, 391.15, 392.5(c)(2), 392.10, 392.80(a), 392.82(a), 395.13(d), 396.9(c)(2), or rule 4901:2-5-07(D) of the Ohio Administrative Code, you may be disqualified from operating a commercial motor vehicle for a minimum of 60 days. The federal regulations defines conviction as, "An unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by **an authorized administrative tribunal**, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the **payment of a fine** or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated."

#### **6. Copies of Inspection Reports**

A copy of the inspection report for the violations described in this notice was given to the driver at the time of inspection. You may request additional copies of inspection reports.

Obtain copies at this web site:

<https://www.puc.state.oh.us/secure/OMCIS/public/searchcarrierreports.aspx>

Or you may email your request to:

[cmvreports@puc.state.oh.us](mailto:cmvreports@puc.state.oh.us). Please provide the **inspection number and inspection date** in your request.



112183

<b>UNIFORM HAZARDOUS WASTE MANIFEST</b>		1. Generator ID Number <b>PAD049791098</b>	2. Page 1 of 1	3. Emergency Response Phone <b>800 424 9300</b>	4. Manifest Tracking Number <b>011560857 FLE</b>				
5. Generator Name and Site Address <b>Chemtrec Environmental Solutions 3144 Passyunk Avenue Philadelphia, PA 19145</b>		Generator's Site Address (if different than mailing address) <b>Attn: Erin Makarsky</b>							
Generator's Phone: <b>215 382 2700</b>									
6. Transporter 1 Company Name <b>Sunstar transport</b>		U.S. EPA ID Number <b>SCD987584775</b>							
7. Transporter 2 Company Name		U.S. EPA ID Number							
8. Designated Facility Name and Site Address <b>Greencastle WDF Facility 3301 S CR 150 W Greencastle, IN 46135</b>		U.S. EPA ID Number							
Facility's Phone: <b>765 853 8818</b>		IN0000419212							
9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))			10. Containers		11. Total Quantity	12. Unit Wt/Vol	13. Waste Codes	
				No.	Type				
	X	RO, <del>UNCL</del> Hazardous Waste, Liquid, N.O.S (K169), 9, PGIII <b>NA 3052</b>			1	TT	42/20	P	K169
		2.							
		3.							
	4.								
14. Special Handling Instructions and Additional Information <b>A LSG4327</b> <b>CHEMTREC 24 HOUR HAZMAT COMMUNICATION CENTER 800 424 9300</b> <b>Tank bottoms</b> <b>BROWN LDR notification provided to driver</b> <b>862 IL</b>									
15. GENERATOR'S/OFFEROR'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 <b>Erin Makarsky</b>			Signature <i>Erin Makarsky</i>			Month Day Year <b>01/22/18</b>			
16. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S. Port of entry/exit: <b>0</b> Transporter signature (for exports only): Date leaving U.S.:									
17. Transporter Acknowledgment of Receipt of Materials									
Transporter 1 Printed/Typed Name <b>Sylvester Godbolt</b>			Signature <i>Sylvester Godbolt</i>			Month Day Year <b>02/02/18</b>			
Transporter 2 Printed/Typed Name			Signature			Month Day Year			
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 (for 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. <b>H050</b>		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 <b>Brian Christy</b>			Signature <i>Brian Christy</i>			Month Day Year <b>12/26/18</b>			