

U.S. EPA Environmental Appeals Board: Vickery, Ohio Hazardous Waste TSD Facility Challenges Certain Permit Conditions



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Vickery Environmental, Inc. (“Vickery”) filed an October 7th Petition for Review (“Petition”) before the United States Environmental Protection Agency (“EPA”) Environmental Appeals Board (“EAB”) challenging certain conditions of a Resource Conservation and Recovery Act (“RCRA”) permit that its Vickery, Ohio facility (“Facility”) had been issued.

The permit renewal was issued by EPA Region 5 on September 6, 2019, to Vickery.

The RCRA permit encompasses the existing hazardous waste storage, treatment, and deep well injection disposal processes. The Facility is stated to receive liquid industrial waste and liquid hazardous waste for treatment, storage, and disposal. Processes include filtering, blending, and subsequent disposal through Class I hazardous underground injection wells.

The Petition challenges certain permit conditions which address:

... air emission standards for equipment leaks, tanks, containers, and miscellaneous units (i.e., the subpart CC regulations contained in 40 C.F.R. § 264.1080-264.1091).

The specific permit conditions challenged are identified in the Petition.

The issues that Vickery states arise in relation to this permit are stated to include:

1. EPA has impermissibly determined that the T-Tanks do not comply with 40 C.F.R. § 264.1084(c)(2)(iii)(A).
2. EPA erroneously imposed performance standards for the air purging process (blow down) associated with the filter press.
3. EPA erroneously imposed conditions for compliance with OSHA requirements in the 2019 Permit.

Arguments raised by Vickery in support of its Petition include:

- EPA’s Determination that the Treatment Tanks Do Not Comply with 40 C.F.R. § 264.1084(c)(2)(iii)(A) is Clearly Erroneous
- Vickery’s 2005 RCRA Permit and the Acid Vapor Scrubber System
- The T-Tank Design and Operation is Fully Compliant with Option A

- The T-Tank's Mass Balance System Exceeds Option A Control Requirements
- EPA Erroneously Imposed Performance Standards for the Air Purging Process (Blow Down) Associated with the Filter Press in the 2019 Permit
- EPA Erroneously Imposed Requirements for Compliance with OSHA Requirements in the 2019 Permit

A copy of the Petition can be downloaded [here](#).