



State of Ohio Environmental Protection Agency

Northwest District Office

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

Re: BP Pipelines Inc.
Seneca County
OHD 000 723 031
RTC

June 3, 2008

Mr. James Fries
BP Pipelines Inc.
197 Wall Street
Tiffin, Ohio 44883

Dear Mr. Fries:

Thank you for your May 12, 2008, response to Ohio EPA's April 9, 2008, Notice of Violation letter. You submitted paperwork stating that in the future you would test any waste (except petroleum-based waste) being disposed of for the entire TCLP list of components. I have also obtained a copy of the analytical for the unmanifested waste report sent to us by Permafrix.

This documentation demonstrates that BP Pipelines has adequately abated all violations discovered during Ohio EPA's March 20, 2008, inspection:

Violation	Date Violation Cited	Date Violation Abated
1. Waste Evaluation, OAC Rule 3745-52-11	March 20, 2008	May 12, 2008
2. Manifest Requirements, OAC Rule 3745-52-20(A)	March 20, 2008	April 9, 2008
3. LDR Determination, OAC Rule 3745-270-07(A)(2)	March 20, 2008	April 9, 2008
4. LDR Determination, OAC Rule 3745-270-09(A)	March 20, 2008	April 9, 2008
5. LDR Determination, OAC Rule 3745-270-07(A)(1)	March 20, 2008	April 9, 2008

In BP's letter dated May 8, 2008, to Ohio EPA, BP asks Ohio EPA to rescind the waste evaluation violation. Ohio EPA will not rescind the waste evaluation violation. Evaluating wastes properly is the responsibility of the generator of that waste. I have enclosed a Guidance Document entitled, "Use of Generator

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Knowledge in Complying with OAC Rule 3745-52-11, Hazardous Waste Evaluation" for your convenience. Ohio EPA states in this guidance document that MSDS sheets should be viewed in a supporting fashion (for waste evaluation) not as the sole means of providing generator knowledge due to the fact that manufacturers are not always required to list all constituents a material may contain. In your letter dated May 8, 2008, BP stated that, "Since the MSDS was available and it did not list any TCLP hazardous chemicals, the site did not consider sampling it."

If you should have any questions, please feel free to call me at (419) 373-3058.

Sincerely,



Amy Heller
Division of Hazardous Waste Management

/lb

Enclosure

pc: Colleen Weaver, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
~~DHWM, NWDO File: Seneca County~~

ec: Amy Heller, DHWM, NWDO

NOTICE:

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with all applicable regulations.