

**Environmental  
Protection Agency**

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

November 9, 2011

**VINTON COUNTY  
GENERAL FILE  
(BP OIL COMPANY)  
DMWM/SEDO  
OHD987016730**

Mr. Rick Faulkner  
BP Oil Company  
101 West Main Street  
McArthur, Ohio 45651

**Re: Notice of Violation**

Dear Mr. Faulkner:

On November 1, 2011, Rich Stewart and I conducted an inspection of BP Oil Company's service station located on West Main Street in McArthur, Ohio, to determine compliance with Ohio's hazardous waste laws as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC). This letter will explain any violations discovered during the inspection and what you need to do to abate the violations, as well as any general concerns we have and what you can do to address those concerns.

We found the following violation of Ohio's hazardous waste laws. In order to correct this violation, you must do the following and send me the required information ***within 14 days of the date of this letter:***

- (1) ***OAC Rule 3745-279-22(C), Used Oil Storage Requirements for Generators (Labeling):*** Fill pipes used to transfer used oil into underground storage tanks at generator facilities must be clearly labeled with the words "Used Oil".

At the time of the inspection, the ground level cap or cover on the fill pipe to the underground used oil storage tank was not clearly labeled with the words "Used Oil".

Please immediately label the cap on the fill pipe leading to the underground used oil storage tank. To demonstrate abatement of this violation, please send me a photograph that shows the cap has been properly labeled with the words "Used Oil".

**GENERAL COMMENTS:**

- **Used Oil Management.**  
I have enclosed Ohio EPA's used oil generator guidance and a list of commercial used oil recyclers.

- **Fluorescent Lamp Management.**

I have enclosed information about managing your spent fluorescent lamps under Ohio's **Universal Waste Rule (UWR)**. Because all fluorescent lamps contain mercury, Ohio EPA recommends that you manage your spent lamps under the universal waste rule, if you are not already doing so. Managing your spent lamps in this manner eliminates many requirements such as waste evaluation, manifesting and record keeping. If you manage your spent lamps as universal waste and they will be recycled, you do not have to determine if they are hazardous waste. If you do not have your spent fluorescent lamps recycled, it is your responsibility to evaluate the lamps to determine if they are hazardous prior to their disposal. I have also enclosed a list of fluorescent lamp recycling facilities.

***Please be advised that your company needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of the date of this letter, your company is requested to provide documentation to this office of the steps you have taken to abate the violations cited above. This documentation may be submitted via regular postal service mail, or electronically to [vicky.german@epa.ohio.gov](mailto:vicky.german@epa.ohio.gov).***

Enclosed, you will find a copy of the checklists that were completed during the inspection. You can find copies of the hazardous waste rules and other information on our division's web page at: [http://www.epa.ohio.gov/dhwm/laws\\_regs.aspx](http://www.epa.ohio.gov/dhwm/laws_regs.aspx). Compliance assistance and pollution prevention information is available at: <http://www.epa.ohio.gov/ocapp>.

If you have any questions regarding this letter, please feel free to contact me by telephone at 740-380-5237 or via e-mail at [vicky.german@epa.ohio.gov](mailto:vicky.german@epa.ohio.gov).

Sincerely,



Vicky D. German  
Division of Materials and Waste Management  
Ohio EPA, Southeast District Office

VDG/mlm

Enclosure

**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.***

 Environmental Protection Agency Send to Central Office <input checked="" type="checkbox"/>	<b>Ohio Environmental Protection Agency</b> <b>RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM</b>	For Ohio EPA use only
	Completed forms that are required to be submitted to CO should be e-mailed to <a href="mailto:paula.canter@epa.state.oh.us">paula.canter@epa.state.oh.us</a>	

<b>Site EPA ID No.</b>  <b>Site Name</b>  <b>Site Location Information</b>  <b>Site Land Type</b> (check only one)  <b>NAICS codes</b> <a href="http://www.census.gov/epcd/www/naics.html">www.census.gov/epcd/www/naics.html</a>	EPA ID Number: OHD987016730 Name: <b>BP Oil Company</b> Website (Optional): Street Address: <b>101 West Main Street</b> City, Town, or Village: <b>McArthur</b> State: <b>OH</b> County Name: <b>Vinton</b> Zip Code: <b>45651</b> Private <input checked="" type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Indian <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other <input type="checkbox"/>
---	--

<b>Facility Representative</b>  Additional names can be recorded in comments section.  Only provide address information if it is different than the site address.	First Name: <b>Faulkner</b> MI: Last Name: <b>Rick</b> Phone Number: <b>740-596-7092</b> Extension: E-Mail Address: Fax Number: Fax Number Extension: Street or P.O. Box: <b>101 West Main Street</b> City, Town or Village: <b>McArthur</b> State: <b>OH</b> Zip Code: <b>45651</b>
---	--

<b>Legal Owner And Operator</b>  List additional Owners and/or Operators in the Comments Section or on another copy of this page.	Name of Site's Legal Owner: <b>BP Oil Company</b> Date Became Owner (mm/dd/yyyy): Owner Type: Private <input checked="" type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Indian <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other <input type="checkbox"/> Street or P.O. Box: <b>6500 Busch Blvd. Suite 100</b> City, Town or Village: <b>Columbus</b> Owner Phone #: State: <b>OH</b> Country: <b>US</b> Zip Code: <b>43229</b> Name of Site's Operator: <b>BP Oil Company</b> Date Became Operator: Owner Type: Private <input checked="" type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Indian <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other <input type="checkbox"/> Street or P.O. Box: <b>101 West Main Street</b> City, Town or Village: <b>McArthur</b> Operator Phone #: <b>740-596-7092</b> State: <b>OH</b> Country: <b>US</b> Zip Code: <b>45651</b>
---	--

<b>VIOLATIONS CITED?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
--------------------------	---

<b>TYPE OF HANDLER (MARK AS APPROPRIATE)</b>	
<input type="checkbox"/> Not a Generator	<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11
<input type="checkbox"/> Short-Term Generator Generated from short-term or one-time event and not from ongoing processes. Check the box for the applicable generator status and provide a comment.	<input type="checkbox"/> Large Quantity Generator (LQG) <input type="checkbox"/> Small Quantity Generator (SQG) <input checked="" type="checkbox"/> Conditionally Exempt Small Quantity Generator (CESQG) <input type="checkbox"/> U.S. Importer of Hazardous Waste <input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator

**TYPE OF REGULATED WASTE ACTIVITY (MARK AS APPROPRIATE)**

- |   |  |
|---|--|
| <input type="checkbox"/> Recycler of Hazardous Waste                    | <input type="checkbox"/> Exempt Boiler and/or Industrial Furnace       |
| <input type="checkbox"/> Underground Injection Control Facility         | <input type="checkbox"/> Small Quantity On-Site Burner Exemption       |
| <input type="checkbox"/> Hazardous Waste Transporter                    | <input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption |
| <input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste |  |

**UNIVERSAL WASTE ACTIVITIES (MARK AS APPROPRIATE)**

- |   |   |
|---|---|
| <input type="checkbox"/> Small Quantity Handler of Universal Waste                                    | <input type="checkbox"/> Destination Facility for Universal Waste |
| <input type="checkbox"/> Large Quantity Handler of Universal Waste<br>(accumulates 5,000 kg. or more) |   |

**TYPES OF UNIVERSAL WASTE THE FACILITY MANAGES (MARK ALL THAT APPLY)**

- Batteries  
 Pesticides  
 Mercury containing equipment  
 Lamps

**USED OIL ACTIVITIES (MARK ALL THAT APPLY)**

- Used Oil Generator  
 Used Oil Transporter  
 Used Oil Transfer Facility  
 Used Oil Processor  
 Used Oil Re-refiner  
 Off-Specification Used Oil Burner  
 Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil  
 Used Oil Fuel Marketer to Off-Specification Used Oil Burner

**Eligible Academic Entities with Laboratories:** Facility has previously notified that they are opting into managing laboratory hazardous waste pursuant to OAC rules 3745-52-200 through 3745-52-216. Check the boxes below to indicate the laboratory type.

- College or University  
 Teaching hospital that is owned by or has a formal written affiliation agreement with a college or university  
 Non-profit Institute that is owned by or has a formal written affiliation agreement with a college or university

**Waste Codes for Federally Regulated Hazardous Wastes:** List the codes for the federally regulated hazardous waste handled at the site, in the order they are presented in the regulations (e.g., D001, D003, F007, U112). If there are more than 7 waste codes and they are the same as listed in the most recent RCRAInfo source record, you do not need to list them all; just indicate the date of the most recent source record.

**COMMENTS: Use this area to describe inspection conditions and additional information.**

Announced	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Additional Facility Representatives:
Tanks	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	One UST for used oil storage
Containers	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Used oil, antifreeze

**ADDITIONAL COMMENTS:**

INSPECTOR(S)		INSPECTION DATE/TIME
Vicky German, DMWM-SEDO	Rich Stewart, DMWM-SEDO	11/01/2011

## CONDITIONALLY EXEMPT SMALL QUANTITY (CESQG) GENERATOR REQUIREMENTS

**CESQG:** Less than 100 Kg. (220 pounds or about 27 ½ gallons) of waste in a calendar month.

**SQG:** Between 100 and 1,000 Kg. (220 to 2200 pounds or about 27 ½ to 275 gallons) of waste in a calendar month.

**LQG:** More than 1,000 Kg. (275 gallons) of waste in a calendar month OR more than 1 Kg. of acutely hazardous waste in a calendar month.

### WASTE EVALUATION

1. Have all wastes generated at the facility been adequately evaluated? [3745-52-11] Yes  No  NA

### GENERATOR CLASSIFICATION

2. Does the generator produce <100 kg. of hazardous waste per month?  
(CESQG - Conditionally Exempt Small Quantity Generator) Yes  No  NA

**NOTE:** If quantities of hazardous waste accumulated on-site at any one time exceed 1,000 Kg. (2200 pounds) OR if the generator produces between 100 and 1,000 Kg. of hazardous waste per month (220 to 2200 pounds), it is operating as a Small Quantity Generator (SQG).

### OFF-SITE SHIPMENT OF HAZARDOUS WASTE

3. Does the CESQG ensure delivery of hazardous wastes to an off-site permitted TSD?  
[ORC §3734.02(F)] Yes  No  NA

### TREATMENT OF HAZARDOUS WASTE

4. Does the generator treat hazardous waste in a:
- a. Container that meets 3745-66-70 to 3745-66-77? Yes  No  NA
  - b. Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97(C)? Yes  No  NA
  - c. Drip pad that meets 3745-69-40 to 3745-69-45? Yes  No  NA
  - d. Containment building that meets 3745-256-100 to 3745-256-102? Yes  No  NA

**NOTE:** If the CESQG conducts treatment they are subject to the LQG requirements.

**NOTE:** If waste is treated to meet LDRs, use the LDR checklist.

## USED OIL GENERATOR COLLECTION CENTER, AND AGGREGATION POINT REQUIREMENTS

**NOTE:** A facility is subject to the federal SPCC regulations (40 CFR 112) if it is non-transportation related (e.g., fixed) and has an aggregate above ground storage capacity greater than 1,320 gallons or a total underground storage capacity greater than 42,000 gallons of oil (including used oil), and there is reasonable expectation of a discharge to navigable waters.

### PROHIBITIONS

1. Does the generator manage used oil in a surface impoundment or waste pile? Yes  No  N/A   
If yes:
- a. Is the surface impoundment or waste pile regulated as a hazardous waste management unit? [3745-279-12(A)] Yes  No  N/A
2. Is used oil used as a dust suppressant? [3745-279-12(B)] Yes  No  N/A
3. Is off-specification used oil fuel burned for energy recovery in devices specified in 3745-279-12(C)? Yes  No  N/A

**NOTE:** Multiple used oil checklists may be applicable if used oil handler is performing multiple tasks (e.g., if generating used oil and shipping directly to a burner, complete generator and marketer checklists).

### GENERATOR STANDARDS

4. Does the generator mix hazardous waste with used oil? If so, Yes  No  N/A   
a. Is the mixture managed as specified in 3745-279-10(B)? [3745-279-21(A)] Yes  No  N/A

**NOTE:** Used Oil mixed with listed (3745-51-30 to 3745-51-35) or characteristic (3745-51-20 to 3745-51-24) hazardous waste are subject to regulation as a hazardous waste, unless the listed hazardous waste is listed solely because it exhibits a hazardous characteristic, and the resultant mixtures do not exhibit a characteristic. Mixtures of used oil and CESQG hazardous waste are subject to OAC Chapter 3745-279.

5. Does the generator of a used oil containing greater than 1,000 ppm total halogens manage the used oil as a hazardous waste unless the presumption is rebutted successfully? [3745-279-21(B)] Yes  No  N/A

**NOTE:** If used oil contains greater than 1000 ppm total halogens, it is presumed to be listed hazardous waste until the presumption is successfully rebutted.

6. Does the generator store used oil in tanks; or containers; or a unit(s) subject to regulation as a hazardous waste management unit? [3745-279-22(A)] Yes  No  N/A
7. Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)] Yes  No  N/A
8. Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked "Used Oil"? [3745-279-22(C)] Yes  No  N/A

**The cap on the fill pipe to the underground storage tank that collects used oil was not clearly labeled "Used Oil".**

9. Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)]
- a. Stopped the release? Yes  No  N/A
- b. Contained the release? Yes  No  N/A
- c. Cleaned up and properly managed the used oil and other materials? Yes  No  N/A
- d. Repaired or replaced the containers or tanks prior to returning them to service, if necessary? Yes  No  N/A

### ON-SITE BURNING IN SPACE HEATERS

10. Does the generator burn used oil in used-oil fired space heaters? [3745-279-23] Yes  No  N/A   
If so:
- a. Does the heater burn only used oil that owner/operator generates or used oil received from household do-it-yourself (DIY) used oil generators? Yes  No  N/A
- b. Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour? Yes  No  N/A
- c. Are the combustion gases from heater vented to the ambient air? Yes  No  N/A

**NOTE: Ash accumulated in a space heater must be managed in accordance with 3745-279-10(E).**

### GENERATOR TRANSPORTATION

11. Does the generator have the used oil hauled only by transporters that have obtained a U.S. EPA ID#? [3745-279-24] Yes  No  N/A
12. If the generator self-transport used oil to an approved collection site or to an aggregation point owned by the generator: [3745-279-24]
- a. Does the generator transport used oil in a vehicle owned by the generator or an employee of the generator?[3745-279-24] Yes  No  N/A
- b. Does the generator transport more than 55 gallons of used oil at any time? [3745-279-24] Yes  No  N/A

**NOTE: Used oil generators may arrange for used oil to be transported by a transporter without a U.S. EPA ID # if the used oil is reclaimed under a contractual agreement (i.e., tolling arrangement).**

### COLLECTION CENTERS AND AGGREGATION POINTS

13. Is the DIY used oil collection center in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-30] Yes  No  N/A
14. Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31] Yes  No  N/A
15. Is the used oil aggregation point in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-32] Yes  No  N/A

**NOTE: Complete Used Oil Generator and any other applicable used oil handler checklist (e.g., marketer, burner, etc.) for used oil collection centers and aggregation points.**

## WASTE ACTIVITIES SUMMARY

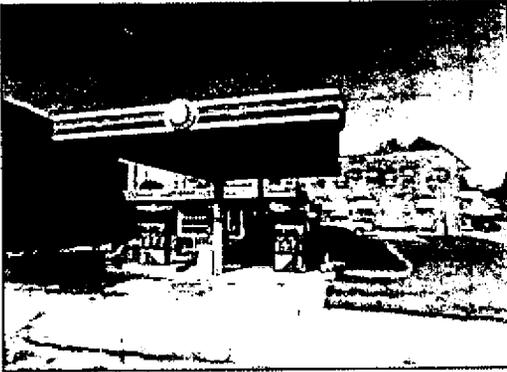
BP Oil Company

LQG

OHD987016730

Description of Waste				On-Site Management			Off-Site Management
Process Generating Waste	Waste Generated	EPA Waste Code	QTY Generated per Month	Type of Accumulation/ Storage	Type of On-Site Treatment	Waste Location	Name, state, and type of activity
Auto Servicing	Used oil	NA	Varies	UST outside facility in front of garage bays	NA	UST outside facility in front of garage bays	John W. Clark Oil Company Ashland, KY
Auto Servicing	Spent antifreeze	NA	Varies	Container inside service area	NA	Container inside service area	John W. Clark Oil Company Ashland, KY
Auto Servicing	Spent lead-acid batteries	D008 unless recycled	Varies	Inside service area	NA	Inside service area	Managed through core program with local auto parts dealers
Gas pump maintenance	Spent gasoline filters	D001 D018	Varies	NA – taken directly off-site	NA	NA – taken directly off-site	John W. Clark Oil Company Ashland, KY
Station maintenance	Spent fluorescent lamps	D009 unless managed as UW	Varies	NA	NA	NA	John W. Clark Oil Company Ashland, KY

## **PROCESS DESCRIPTION**



BP Oil Company's McArthur, Ohio location is a gasoline/service station and convenience store. The station conducts general auto and light truck maintenance and service. It consists of a two-bay service garage and a gasoline dispensing area.

## **WASTE MANAGEMENT INFORMATION**

The service station collects used oil from auto servicing, which is transferred to an underground storage tank (UST). The John W. Clark Oil Company services the station's used oil tank and also takes gasoline filters and spent fluorescent lamps off-site.

## **REGULATORY HISTORY**

BP Oil Company's McArthur Ohio location notified in April 1991 as a Large Quantity Generator (LQG) of hazardous waste. The company was last inspected for compliance with Ohio's hazardous waste regulations in April 2006. BP is currently operating as a Conditionally Exempt Small Quantity Generator (CEG).