Ohio | Environmental Protection Agency
John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

CERTIFIED MAIL: 7010 1060 0001 7896 3331

October 27, 2011

ATHENS COUNTY
GENERAL FILE
(BFS PETROLEUM PRODUCTS)
DMWM/SEDO
NON-NOTIFIER

Mr. Jimmy Bragg
BFS Petroleum Products
P.O. Box 722
Athens, Ohio 45701

Dear Mr. Bragg:

On October 12, 2011, I inspected BFS Petroleum Products' facility at 10530 State Route 550 in Athens, Ohio to determine BFS Petroleum Products' 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).

I found BFS Petroleum Products to be in violation of the following Ohio hazardous waste law. In order to correct this violation, you must do the following and send me the required information ***within 14 days*** of your receipt of this letter:

(1) ***OAC Rule 3745-52-11, Hazardous Waste Determination:*** Any person who generates a waste, as defined in rule 3745-51-02 of the Administrative Code, must determine if that waste is a hazardous waste using the following method...determine if the waste is listed as a hazardous waste in rules 3745-51-30 to 3745-51-35, and then determine whether the waste is identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code by either: (1) Testing the waste according to the methods set forth in rules 3745-51-20 to 3745-51-24 of the Administrative Code, or according to an equivalent method approved by the Region V Administrator of U.S. EPA pursuant to 40 CFR 260.21; or (2) Applying knowledge of the hazardous characteristic of the waste in light of the materials or the processes used.

During the inspection, I observed three 55-gallon drums of used absorbent pads (which you referred to as "diapers") and two 55-gallon drums of waste fuel stored along North side of the building. You stated that every five years or so the drums are collected by the BFS office in West Virginia and you thought they went to a processor or a recycler. You were unable to provide any documentation, such as manifests or bills of lading, to verify that BFS Petroleum Products has determined if these wastes are hazardous wastes.

Southeast District Office
2195 Front Street
Logan, OH 43138-8637

740 | 385 8501
740 | 385 6490 (fax)
www.epa.ohio.gov

You directed me to contact Mike Groves of the BFS office in West Virginia for the information. I contacted Mr. Groves and requested the required documentation. Mr. Groves has not provided any information to verify BFS Petroleum Products' management of these two waste streams. Therefore, BFS Petroleum Products is in violation of the above rule.

In order to return to compliance with this rule, BFS Petroleum Products must immediately submit documentation to this office of a hazardous waste determination for the used absorbent pads and the waste fuels. BFS Petroleum Products should also provide documentation of how these two waste streams are ultimately disposed or recycled.

Enclosed is a copy of my documentation of the inspection. You can find Ohio's hazardous waste rules and other information on the division's web page at: http://www.epa.ohio.gov/dhwm/.

Should you have any questions, please feel free to call me at (740) 380-5248.

Sincerely,

Elizabeth A. Herron

Elizabeth A. Herron
Environmental Specialist
Division of Materials and Waste Management

EAH/mlm

Enclosures

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

Send to Central Office ☒	Ohio Environmental Protection Agency **RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM**	For Ohio EPA use only

Completed verification forms required to be submitted to CO should be e-mailed to brad.hauser@epa.state.oh.us.

Site EPA ID No.	EPA ID Number: **Non-Notifier**							
Site Name	Name: **BFS Petroleum Products**				Website: (Optional)			
Site Location Information	Street Address: **10530 State Route 550**							
	City, Town, or Village: **Athens**				State: OH			
	County Name: **Athens**				Zip Code: **45701**			
Site Land Type (check only one)	Private ☒	County ☐	District ☐	Federal ☐	Indian ☐	Municipal ☐	State ☐	Other ☐
NAICS code(s) www.census.gov/epcd/www/naics.html								

Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: **Jimmy**	MI:	Last Name: **Bragg**
	Title: **Manager**		
	Phone Number: **740 593 7340**	Phone Number Extension:	
	E-Mail Address:		
	Fax Number:	Fax Number Extension:	
	Street or P.O. Box:		
	City, Town or Village:		
	State:	Zip Code:	

Legal Owner And Operator of the Site. List Additional Owners and/or Operators in the Comment Section or on another copy of this form page	Name of Site's Legal Owner:				Date Became Owner (mm/dd/yyyy):			
	Owner Type:	Private ☐	County ☐	District ☐	Federal ☐	Indian ☐	Municipal ☐	State ☐	Other ☐
	Street or P.O. Box:							
	City, Town or Village:				Owner Phone #:			
	State:				Country:		Zip Code:	
	Name of Site's Operator:				Date Became Operator (mm/dd/yyyy):			
	Operator Type:	Private ☐	County ☐	District ☐	Federal ☐	Indian ☐	Municipal ☐	State ☐	Other ☐
	Street or P.O. Box:							
	City, Town or Village:				Operator Phone #:			
	State:				Country		Zip Code:	

VIOLATIONS CITED? ☒ Yes ☐ No

TYPE OF HANDLER - MARK "X" AS APPROPRIATE

☐ Not a HW Generator	☒ UNKNOWN: Cited for violation of 3745-52-11	☐ Large Quantity Generator (LQG)
	☐ Short-Term/Temporary Generator (generates from a short-term or one-time event and not from on-going processes). *Check the box for the applicable generator status and provide a comment.*	☐ Small Quantity Generator (SQG)
		☐ Conditionally Exempt Small Quantity Generator
		☐ U.S. Importer of Hazardous Waste
		☐ Mixed Waste (Hazardous and Radioactive) Generator

TYPE OF REGULATED WASTE ACTIVITY (MARK "X" IN ALL OF THE APPROPRIATE BOXES)

- ☐ Hazardous Waste Transporter
- ☐ Hazardous Waste Transfer Facility
- ☐ Treater, Storer or Disposer of Hazardous Waste
- ☐ Recycler of Hazardous Waste
- ☐ 72-Hour Recycler
- ☐ Exempt Boiler and/or Industrial Furnace
  - ☐ Small Quantity On-Site Burner Exemption
  - ☐ Smelting, Melting, Refining Furnace Exemption
- ☐ Underground Injection Control Facility
- ☐ Receives Hazardous Waste from Off-site

UNIVERSAL WASTE ACTIVITIES (INDICATE TYPES OF UNIVERSAL WASTE MANAGED (CHECK ALL BOXES THAT APPLY)

- ☐ Small Quantity Handler of Universal Waste
- ☐ Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more)
- ☐ Destination Facility for Universal Waste

CHECK ALL BOXES BELOW THAT APPLY FOR THE TYPES OF UNIVERSAL WASTE THE FACILITY MANAGES

- ☐ Batteries
- ☐ Pesticides
- ☐ Mercury containing equipment
- ☐ Lamps

USED OIL ACTIVITIES (INDICATE TYPE(S) OF ACTIVITY(S)

- ☐ 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 Used Oil
- ☐ Used Oil Fuel Marketer who first claims the Used Oil meets the specifications

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 box(es) 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. Please list the codes for the federally regulated hazardous waste handled at the site. List them in the order they are presented in the regulations (e.g., D001, D003, F007, U112). Use an additional page or list them in the comments if more space is needed. If the waste codes are the same as listed in the most recent RCRAInfo source record, you do not need to list them. Instead just indicate the date of the most recent source record.

COMMENTS: USE THIS AREA TO DESCRIBE WHETHER THE INSPECTION WAS ANNOUNCED, WHETHER THE WASTE IS STORED IN TANKS OR CONTAINERS, ETC.

Announced	☐ Yes	☒ No	Additional Facility Representatives:
Tanks	☐ Yes	☒ No	
Containers	☒ Yes	☐ No	

Name of Inspector(s): **Elizabeth Herron**

Name of Inspector(s):

Date of Inspection/Time (mm/dd/yyyy) (hh:mm): **10-12-2011 10:20 AM**

Comments:

Revised 09.05.10

WASTE ACTIVITIES SUMMARY

Facility Name: BFS Petroleum Products **Facility Type:** Cited for 3745-52-11 Not Yet Determined **EPA ID #:** Non-Notifier

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**
Fuel spills, drips from filling container with fuel	Used absorbent pads	Not yet determined	varies	55-gallon drums	none	Outside on North side of building	Information not available during inspection
Fuel tank clean-out	Waste fuel	Not yet determined	varies	55-gallon drums	none	Outside on North side of building	Information not available during inspection

PROCESS DESCRIPTION

BFS Petroleum Products is a bulk fuel and lubricant distributor. They have the following four underground storage tanks: 17,000 gallon gasoline tank; 15,000 gallon high sulfur diesel tank; 12, 000 gallon low sulfur diesel tank; and 12,000 gallon heating oil tank. They also have a 30,000 gallon l.p. gas tank. They sell gasoline and diesel at on-site pumps. They have one l.p truck which makes bulk deliveries and one truck for bulk fuel deliveries.

REGULATORY HISTORY

This is the facility's first inspection for compliance with hazardous waste regulations.