



**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.

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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  
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 <input checked="" type="checkbox"/>	<b>Ohio Environmental Protection Agency</b> <b>RCRA SUBTITLE C SITE</b> <b>IDENTIFICATION/VERIFICATION FORM</b>	For Ohio EPA use only
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Completed verification forms required to be submitted to CO should be e-mailed to [brad.hauser@epa.state.oh.us](mailto:brad.hauser@epa.state.oh.us).

<b>Site EPA ID No.</b>	EPA ID Number: <b>Non-Notifier</b>		Website: (Optional)					
<b>Site Name</b>	Name: <b>BFS Petroleum Products</b>							
<b>Site Location Information</b>	Street Address: <b>10530 State Route 550</b>							
	City, Town, or Village: <b>Athens</b>		State: <b>OH</b>					
	County Name: <b>Athens</b>		Zip Code: <b>45701</b>					
<b>Site Land Type</b> (check only one)	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>NAICS code(s)</b> <a href="http://www.census.gov/epcd/www/naics.html">www.census.gov/epcd/www/naics.html</a>								

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

<b>Legal Owner And Operator of the Site.</b> 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 <input 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:								
	City, Town or Village:			Owner Phone #:					
	State:		Country:		Zip Code:				
	Name of Site's Operator:		Date Became Operator (mm/dd/yyyy):						
	Operator Type:	Private <input 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:								
	City, Town or Village:			Operator Phone #:					
	State:		Country:		Zip Code:				

**VIOLATIONS CITED?**  Yes  No

**TYPE OF HANDLER - MARK "X" AS APPROPRIATE**

<input type="checkbox"/> Not a HW Generator	<input checked="" type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11	<input type="checkbox"/> Large Quantity Generator (LQG)
	<input type="checkbox"/> 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.	<input type="checkbox"/> Small Quantity Generator (SQG)
		<input type="checkbox"/> Conditionally Exempt Small Quantity Generator
		<input type="checkbox"/> U.S. Importer of Hazardous Waste
		<input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator

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

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

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

<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 (accumulates 5,000 kg. or more)	

**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
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**Comments:**

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

<i>Description of Waste</i>				<i>On-Site Management</i>			<i>Off-Site Management</i>
<b>Process Generating Waste</b>	<b>Waste Generated</b>	<b>EPA Waste Code</b>	<b>QTY Generated per Month</b>	<b>Type of Accumulation/Storage</b>	<b>Type of On-Site Treatment</b>	<b>Waste Location</b>	<b>Name, state, and type of activity</b>
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.