

Scioto
Thompson Oil



State of Ohio Environmental Protection Agency

Southeast District Office

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May 6, 2008

**SCIOTO COUNTY
THOMPSON OIL
DHWM/SEDO
OHT400013058**

Mrs. Alice Thompson
Thompson Oil
537 Buck Hollow Road
Lucasville, Ohio 45648

Dear Mrs. Thompson:

On February 26, 2008, I inspected Thompson Oil's facility in Lucasville, Ohio to determine Thompson Oil's 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 sent you a Notice of Violation letter (NOV) on March 11, 2008. To date, Thompson Oil has failed to respond to the March 11, 2008 letter. **Note that failure to respond to this letter and abate the following outstanding violations may result in escalated enforcement action, including possible fine and penalties:**

(1) OAC Rule 3745-279-44 (A), (D), Rebuttal Presumption for Used Oil Transporters:

(A) To ensure that used oil is not a hazardous waste, the used oil transporter must determine whether the total halogen content of each shipment of used oil being transported or stored at a transfer facility is above or below one thousand parts per million (ppm); (D) Records must be kept onsite for three years.

(A)Thompson Oil has failed to provide evidence that this determination of halogen content is being made for each batch of used oil that it collects from each generator. Thompson ships approximately one tanker truckload of 7,000 gallons to an oil processing facility every four to six weeks. (D)Thompson Oil had no records of halogen testing even though it stated that testing was being done for them by Heartland Oil.

(A) Thompson Oil must immediately begin to test every batch of used oil collected from each generator of used oil for halogen content. Alternatively, Thompson may implement a procedure in which they profile each generator's used oil on a regular basis (including necessary analytical results) and obtain a certification with each shipment from each used oil generator that states that the generator has not mixed used oil with hazardous waste. Note that the only acceptable tests are an approved SW -846 method that includes test methods 9075 and 9076 and 9077, the latter of which are field test methods such as Chlor-D-Tect 1000 and Chlor-D-Tect 4000. You were provided a fact sheet during the inspection which discusses the testing procedures. In order to abate this violation, Thompson Oil must submit copies of analytical results for each shipment of used oil collected from each generator for the next two weeks, or submit a profile of each

generator's waste, including analytical results of used oil from generators. (D) Thompson Oil must immediately begin to retain onsite for three years all records of weekly analytical results.

(2) OAC Rule 3745-279-45 (D) and (G), Used Oil Storage at Transfer Facilities:

(D) Containers used to store used oil must have secondary containment that is impervious to used oil and that consists of a dike, berm or retaining walls, and a floor. The floor must cover the entire area within the dike, berm or walls. (G) Containers used to store used oil must be labeled with the words "used oil".

(D) Thompson Oil does not have a secondary containment system for their tanker truck, which is considered a "container" pursuant to the regulations. The tanker truck is currently stored in a gravel area next to Buck Hollow Road, adjacent to a stream. Should the tanker fail, the contents of the tanker would leak into the stream. In order to abate this violation, Thompson Oil must develop a secondary containment system that meets the above regulation, and begin to park the tanker truck within it each time the truck contains used oil. As an alternative, you may wish to use your existing secondary containment system that houses two 10,000-gallon tanks which are currently not in use. Note that the existing system will require some modification. For example, you may need to remove and sell or scrap the two tanks if there is insufficient room to park your truck within it. You may need to widen the opening of the containment area on the high side so a truck can enter it. Also, this secondary containment system has an open pipe which allows precipitation contained within it to drain onto the ground outside of the walls of the system. A valve will need to be installed so this pipe can be closed so it does not drain onto the ground. Should clean rainwater accumulate in the secondary containment area, the valve can be opened as needed to drain it, but the valve must be closed at all other times except when draining the system. The system must be kept closed in order to ensure that the system will hold oil if the truck were to leak. Should rainwater accumulating in the system become oily, the oily water must be removed and managed as used oil unless the oil can be removed from it. As previously instructed in 2000 and 2005, Thompson Oil must work with the Ohio EPA Division of Surface Water in order to determine whether precipitation, which will accumulate in the secondary containment system, has been adequately cleaned up and whether it can be released directly to the stream. In order to abate this violation, you must submit a photograph of the truck parked inside secondary containment which meets this rule. In addition, you must submit documentation that a valve was installed to close the pipe inside the secondary containment.

(G) Thompson Oil failed to label their tanker truck with the words "used oil". The truck must be labeled because it meets the definition of a container in the above cited rule. Photographs of the properly labeled truck must be submitted to this office as documentation that this has been done.

(3) Ohio Administrative Code Rule 3745-279-46(A): Tracking of Used Oil by Transporters: Used oil transporters must keep a record of each used oil shipment accepted for transport. Records must include the name and address of the generator, the EPA ID number of the generator (if applicable), the quantity of used oil accepted, and the date of the acceptance and the signature of the generator.

Thompson Oil failed to record the street address and signature of used oil generators who have ID numbers. Thompson Oil has forms which they complete for each used oil shipment that they accept, however, Thompson does not record the ID numbers of applicable generators nor does it record the signature of the generator.

Thompson Oil must immediately begin to record this information for all shipments they accept. Thompson Oil must submit copies of records from the past two weeks which contain the street address and signatures EPA ID numbers for applicable generators.

GENERAL COMMENTS

- (a) During my inspection on February 26, 2007, because the ground was snow-covered, I was unable to determine compliance with an outstanding violation of OAC 3745-279-22 (a spill of used oil behind your tank secondary containment system which must be cleaned up). This violation was discovered during the 2005 inspection but was never abated by your company, despite repeated letters and visits to your facility. As discussed during my recent inspection, I will be returning to your facility in the near future to determine whether that violation has been abated.

Please respond within fifteen days of the date of this letter. Should you have any questions, please feel free to call me at (740) 380-5293. You can find copies of the rules and other information on the division's web page at <http://www.epa.state.oh.us/dhwm>.

Sincerely,


Donna Goodman
District Representative
Division of Hazardous Waste Management

DG/mlm

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.