



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

February 4, 2013

**CERTIFIED MAIL**

Mr. Jeff Kramer  
Beoddy Oil Company  
P.O. Box 178  
Eaton, OH 45320

**RE: Ohio EPA I.D. # 1301-68-0204; Notice of Violation**

Dear Mr. Kramer:

This letter is to serve as a follow up to the January 28, 2013, investigation by Ohio EPA of Incident #1301-68-0204, a release of fuel oil at the residence of David Minner, 9557 Arnett Drive, Preble County, Ohio. This OSCs investigation revealed that fuel oil was released from a fuel oil delivery truck to the drinking water well of Mr. Minner on December 31, 2012. The release of 30 gallons was reported to Ohio EPA on January 28, 2013, by Bill Delaney, ECC Horizon. As an Ohio EPA Emergency Response On Scene Coordinator (OSC), I investigated this release on January 28, 2013. At that time this OSC detected fuel oil on the surface of the water in the well casing. On that same date, this OSC notified Beoddy Oil Company that fuel was in the well and required remediation.

Ground water is considered waters of the state as defined in Ohio Revised Code 6111. A discharge or release of fuel oil into waters of the state is in violation of Ohio Revised Code (ORC) Section 6111.04. "No person shall cause pollution or place or cause to be placed any sewage, industrial waste, or other wastes in a location where they cause pollution of any waters of the state, .... "

An "owner or operator" is required to report a release or discharge under 3750.06 of the Ohio Revised Code anytime there is a release or spill of a regulated chemical which exceeds its assigned Reportable Quantity (RQ) and leaves the facility property line. The RQ for the release of oil into the environment is an amount of 25 gallons or an amount that causes a visible sheen. The verbal notification shall be given within thirty minutes after a person at the facility or aboard the vessel has knowledge of the release, unless notification within that time is impracticable under the circumstances. The release of fuel oil on December 31, 2012, was not reported until January 28, 2013, and is a violation of ORC 3750.06.

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CORRECTIVE ACTIONS

1. Remove free phase fuel oil from the well.
2. Develop and implement a plan to remove free phase and dissolved fraction fuel oil from the well. The plan should include methods and timelines for remedial activities and confirmation sampling. The plan should be submitted to this OSC and Preble County Health Department for concurrence on or before February 8, 2013.

Ohio EPA reserves its right, pursuant to Chapters 3704, 3714, 3734, 3745, 3750, 6109, and 6111 of the ORC and any other applicable state or federal laws or regulations to require further site investigation and abatement to address releases or discharges into the environment at the above designated site, and to seek civil penalties, reimbursement of oversight costs, and any other appropriate legal or equitable relief for any violation of law.

This letter is not a final action of the Director of the Ohio EPA and is intended only as a notification of a violation of the Ohio environmental laws and regulations.

If you have any questions concerning this letter, please contact me at (937) 285-6051 or by email at [bill.lohner@epa.state.oh.us](mailto:bill.lohner@epa.state.oh.us).

Sincerely,



Bill Lohner  
On-Scene Coordinator  
Division of Emergency & Remedial Response

BL/kb

cc: John McGinnis, Ohio EPA, DDAGW  
Gary Walker, Preble County Health Department  
Bill Delaney, ECC Horizon

English

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|                      |         | Arrival at Unit                      | February 05, 2013, 7:39 am | EATON, OH 45320  |                 |
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**Sent To** MR. JEFF KRAMER

**Street, Apt. No., or PO Box No.** BEODDY OIL COMPANY

**City, State, ZIP+4** P.O. BOX 178  
EATON, OHIO 45320

PS Form 3800, June 2002 See Reverse for Instructions

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