



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

Re: Murphy Oil USA #7169  
OHR000156299  
Auglaize County  
NOV

January 16, 2013

Mr. Brad Weinischke, Environmental Compliance Coordinator  
Murphy Oil USA  
P. O. Box 7300  
El Dorado, Arkansas 71731 – 7300

Dear Mr. Weinischke:

On December 28, 2012, the Ohio EPA conducted a hazardous waste compliance evaluation inspection (CEI) of Murphy Oil USA #7169 (Murphy) located at 1281 Bellefontaine Street, Wapakoneta, Ohio. This inspection was conducted to determine Murphy's compliance with Ohio's hazardous waste laws as found in Chapter 3734. of the Ohio Revised Code (ORC), and Ohio's hazardous waste regulations as adopted under Chapter 3745. of the Ohio Administrative Code (OAC). Murphy was represented by the store manager, Darla Mormom. Ohio EPA was represented by me. The inspection included a tour of the store. This letter will explain the violation I found, what you need to do to correct this violation, two areas of concern and what you need to do to satisfy these areas of concern.

Murphy is a gas station/convenience store. You notified at this address on August 25, 2009, as a small quantity generator of hazardous waste (D001, D018). The notification was from a one-time event of a clean-up of gasoline spill material. Wastes generated on-site include gasoline pump fuel filters, lamps and gasoline tank socks.

I spoke with Ms. Mormom pertaining to the wastes generated on-site. She stated that filters from the gasoline pumps are serviced by the on-site employees, gasoline is drained from them in spill buckets and then the filters are thrown in the trash. Ms. Mormom stated the gasoline from the filters is then placed back into the gasoline tanks. There are four gasoline pumps for a total of nine filters. Ms. Mormom stated the filters may be changed every couple of weeks or every couple of months. They only change a filter when the pump starts running slowly. I did not observe any containers.

On January 10, 2013, I spoke with you by telephone. You stated that Murphy does change their own gasoline pump filters. Likewise you stated these filters are thrown in the trash and that a waste evaluation has not been conducted on the filters.

Mr. Brad Weinischke  
January 16, 2013  
Page 2

You also stated that the original notification was due to a gasoline spill which resulted in two drums of cleanup material (D018). You emailed me the manifest & LDR form for the disposal of these drums, the waste characterization for these drums as well as some generation information pertaining to gasoline filters. To date Murphy has not generated any type of water/gasoline mixture from the underground tanks (due to condensation, flooding, etc). We discussed that this type of waste may be hazardous and if this type of waste is ever generated to ensure to evaluate and manage properly. You explained that spill buckets are used to collect condensate for the underground gasoline tanks but this is put back in the gasoline tank as this is not enough to harm the quality of the fuel.

I found the following violation of Ohio's hazardous waste laws. Murphy needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. **Within 14 days of receipt of this letter**, Murphy is requested to provide documentation to this office including the steps taken to abate the violation cited below. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to [amber.hicks@epa.ohio.gov](mailto:amber.hicks@epa.ohio.gov).

1. **Waste Evaluation.**  
**OAC Rule 3745-52-11**

Any person who generates a waste must determine if that waste is a hazardous waste in accordance with the criteria for hazardous waste as set forth in Chapter 3745-51 of the Administrative Code.

Murphy failed to have waste evaluation documentation for the gas pump filters generated at your store or a recycling plan in place for the gas pump filters. Murphy is currently disposing of their gas pump filters in the trash. Murphy must cease disposing of their gas pump filters as non-hazardous waste in the local landfill until a proper waste evaluation has been completed.

Gas pump filters are likely to be hazardous for the characteristic of toxicity for benzene, thus upon being spent would most likely be a hazardous waste. Thus, this waste stream may not be disposed in any manner (in the trash, taken by a service contractor, etc.) until you have determined whether they are hazardous or not. Based on this determination, then they must be managed properly.

Properly drained metal fuel filters meet the regulatory definition of scrap metal and therefore, if recycled, are exempt from regulation as a hazardous waste. Fuel filters must be properly drained and if they no longer contain a significant liquid component then they qualify as scrap metal.

As such, if recycled, the drained fuel filters are exempt from the hazardous waste regulations. If recycled, you would not have to evaluate this waste or have it managed as a hazardous waste if upon evaluation it is determined to be hazardous.

To properly evaluate the above waste stream, Murphy must take a representative sample of this waste to properly evaluate this waste stream through a laboratory analysis which lists constituents present and at what concentration. Murphy must sample the gas pump filters to determine the concentrations of benzene (D018), all of the Resource Concentration and Recovery metals (RCRA) metals (excluding mercury), and any other hazardous constituent that might reasonably be present in this waste stream as listed in OAC Rule 3745-51-24 following the methods as outlined in U.S. EPA's SW-846. Please note that the waste evaluation should be conducted at the waste generated from this store.

- **To abate this violation**, please submit one of the two options: 1) Murphy must submit the analytical information from sampling to me. Your results must document if the waste is hazardous or not. If it is hazardous, you must explain what treatment, storage, or disposal facility you will send it to. *If the waste is hazardous, I will determine the status of your compliance with other hazardous waste laws and notify you of my findings in a separate letter* or 2) documentation that the gasoline fuel filters will now be recycled as scrap metal.

Please be advised that the violation cited above will continue until the violation has been properly abated. Failure to comply with Chapter 3734 of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, Murphy is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

#### **Areas of Concern:**

- A. On January 10, 2013, you emailed me stating that Sylvania manages your bulbs for recycling and you were unsure of the amount of lamps generated per year at this store.
  - **To satisfy this area of concern** please submit either the most recent (one or two) receipts from store #7169 for the recycling of the lamps or an agreement document or some kind of verification from Sylvania that lamps generated by Murphy USA stores are recycled.
- B. During the CEI, Ms. Mormom stated that long socks/filters are placed on top of the underground gasoline tank to absorb water and for spill control. There are six socks which are changed twice a month and thrown in the trash.

Mr. Brad Weinischke  
January 16, 2013  
Page 4

- **To satisfy this area of concern**, please provide additional information pertaining to this waste stream. Is the material absorbed by the sock only water from condensation on top of the gasoline tank? How are these socks managed if gasoline is spilled onto the socks? Have you had any spills onto the socks? How has Murphy determined these materials are non-hazardous?

#### **Pollution Prevention:**

You stated that you had in the past been unable to locate a gasoline fuel filter recycler. Ohio EPA does not currently have a list of facilities that provide this service. I have contacted a facility that provides recycling services and inquired if they accept gasoline fuel filters for recycling or if they know of any facilities that accept gasoline filters for recycling. I will contact you if I obtain any additional information. As stated to you in my January 10, 2013, email, Murphy could consider shipping the filters to be recycled to another facility for consolidation in a state/area where there is a recycler if you are unable to find a recycler in Ohio.

The fuel drained from the filters is being used for its intended purpose as fuel and burned for energy recovery. If this fuel is burned for energy recovery, then the fuel generated from the draining of filters is not a waste and therefore is not hazardous waste.

If you find additional ways to recycle, reduce, or altogether eliminate the amount of waste that your company generates you may be able to reduce treatment and disposal costs. Furthermore, you may possibly reduce your regulatory requirements. Or if you would like a free, non-regulatory on-site pollution prevention assessment or more information about pollution prevention, please contact me at (419) 373-3082. Ohio EPA has helpful information about this at the following web address:  
<http://epa.ohio.gov/ocapp/ComplianceAssistanceandPollutionPrevention.aspx>.

The Division of Materials and Waste Management (DMWM) has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio. If you haven't already, we encourage you to sign-up for this free service. You can find more information at the following Web link <http://ohioepa.custhelp.com/ci/documents/detail/2/subscriptionpage>. Please feel free to share this information with your colleagues.

Enclosed you will find a copy of the checklists that I completed during the inspection. Please address all correspondence via the postal service to Amber Hicks, Ohio EPA, 347 North Dunbridge Road, Bowling Green, Ohio 43402 or electronically to [amber.hicks@epa.ohio.gov](mailto:amber.hicks@epa.ohio.gov). Should you have any questions, please feel free to call me at (419) 373-3082 or email me at [amber.hicks@epa.ohio.gov](mailto:amber.hicks@epa.ohio.gov).

Mr. Brad Weinischke  
January 16, 2013  
Page 5

You can find copies of the rules and other information on the division's web page at <http://epa.ohio.gov/dmwm/dmwmrules.aspx>.

Sincerely,



Amber M. Hicks  
Division of Materials and Waste Management

/cg

Enclosures

pc: Lisa Gifford, DMWM, NWDO  
Colleen Weaver, DMWM, NWDO (w/ checklist)

ec: Amber Hicks, DMWM, NWDO  
Colleen Weaver, DMWM, NWDO

**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.

Completed verification forms required to be submitted to CO should be e-mailed to [RCRAInfo.Data@epa.state.oh.us](mailto:RCRAInfo.Data@epa.state.oh.us).

<b>Site EPA ID No.</b>	EPA ID Number: <b>OHR000156299</b>	
<b>Site Name</b>	Name: <b>Murphy Oil USA #7169</b>	Website: (Optional)
<b>Site Location Information</b>	Street Address: <b>1281 Bellefontaine Street</b>	
	City, Town, or Village: <b>Wapakoneta</b>	State: <b>OH</b>
	County Name: <b>Auglaize</b>	Zip Code: <b>45895</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>447110</b>	

<b>Facility Representative</b>	First Name: <b>Brad</b>	MI:	Last Name: <b>Weinischke</b>
Additional names can be recorded in number 12	Title: <b>Environmental Compliance Coordinator</b>		
	Phone Number: <b>(870) 875 - 7610</b>	Phone Number Extension:	
Only provide address information if it is different than the site address	E-Mail Address: <b>Brad_Weinischke@murphyoilcorp.com</b>		
	Fax Number:	Fax Number Extension:	
	Street or P.O. Box: <b>P. O. Box 7300</b>		
	City, Town or Village: <b>El Dorado</b>		
	State: <b>AR</b>	Zip Code: <b>71731 - 7300</b>	

<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: <b>Murphy Oil USA</b>		Date Became Owner (mm/dd/yyyy): <b>01/01/1901</b>	
	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>P. O. Box 7300</b>		
	City, Town or Village: <b>El Dorado</b>		Owner Phone #:	
	State: <b>AR</b>		Country: <b>USA</b>	Zip Code: <b>71730</b>
	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:

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

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

<input type="checkbox"/> Not a HW Generator	<input checked="" type="checkbox"/> <b>UNKNOWN:</b> Cited for violation of 3745-52-11 <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"/> Large Quantity Generator (LQG) <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: **Darla Mormom, on-site store manager**  
 Tanks  Yes  No  
 Containers  Yes  No

Name of Inspector(s) **Amber Hicks**      Name of Inspector(s) \_\_\_\_\_      Date of Inspection/Time (mm/dd/yyyy) (hh:mm) **12/28/12 14:36**

**Comments:**

**This is a gasoline convenience store owned by Murphy Oil USA. The facility has 4 gasoline pumps.**

## PROCESS, WASTE, P2 SUMMARY SHEET

**Facility Name:** Murphy Oil USA #7169   
**Facility Type:** LQG SQG CESQG TSD   
**Date of Inspection:** 12/28/12   
**EPA ID#:** OHR000156299

Waste Generated			On- or Off-Site Management		P2 Activities	
Process/Activity Generating Waste <small>(e.g. plating bath, machining, baghouse, painting, general maintenance, etc)</small>	Waste Description <small>(e.g. sludge, solvent, ash, used oil, spent lamps, etc.) and EPA Waste Code, if applic.</small>	QTY Generated per Month, Type of Accumulation (container, tank, etc) and location of waste accumulation area	Type of On-Site Treatment (recycle, wwt, etc)	Name, state, and type of activity occurring at the off-site facility.	Current P2 Activities	P2 Opportunities
1	Maintenance of gas pumps	Spent gas pump fuel filters	~8-12/year*	NA	Throwing into trash to go to the local landfill. Cited for 52-11	Informed facility that filters could be recycled as scrap metal and likewise be exempt from hazardous waste regulations.
2	Maintenance of gasoline tank	Long socks/filters (on outside top of tank)	12		Throwing into trash to go to the local landfill. Inquired to facility more information pertaining to this waste stream.	
3	Lighting	Lamps	Facility unsure		Sylvania	Recycling. **
4						
5						
6						

7						
8						
9						

**REMARKS-GENERAL INFORMATION**

**General Process Information:**

\* Facility stated that filters will generally last for one year under normal conditions. If filters become contaminated (sediment, water, etc.) they may have to be changed more often. \*\*I did not see any documentation that the lamps are recycled -I requested this information in my letter.

**Regulatory/Enforcement History** (if applicable):

**Additional P2 remarks and information:**

Would this facility be interested in a P2 assessment?  Yes\*  No \*If yes, refer promptly to your district P2 coordinator.  
 Office of Compliance Assistance and Pollution Prevention - 1-800-329-7518 or [p2mail@epa.state.oh.us](mailto:p2mail@epa.state.oh.us) or [www.epa.state.oh.us/ocapp/ocapp.html](http://www.epa.state.oh.us/ocapp/ocapp.html)

**Other:**