

U.S. ENVIRONMENTAL PROTECTION AGENCY
POLLUTION/SITUATION REPORT
BF Byproducts - Removal Polrep
Initial Removal Polrep



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region VII

Subject: POLREP #1
Initial
BF Byproducts
Z7DS - E15704
Cabool, MO
Latitude: 37.0992269 Longitude: -92.1039475

To:
From: Paul Doherty, OSC
Date: 4/2/2015
Reporting Period: April 1 - 3, 2015

1. Introduction

1.1 Background

Site Number:	Z7DS - E15704	Contract Number:	
D.O. Number:		Action Memo Date:	
Response Authority:	OPA	Response Type:	Emergency
Response Lead:	EPA	Incident Category:	Removal Action
NPL Status:	Non NPL	Operable Unit:	
Mobilization Date:	4/1/2015	Start Date:	4/1/2015
Demob Date:		Completion Date:	
CERCLIS ID:		RCRIS ID:	
ERNS No.:		State Notification:	
FPN#:	Z7DS - E15704	Reimbursable Account #:	

1.1.1 Incident Category

An inspection of the BF Byproducts LLC facility, Cabool, Missouri was initiated by the Missouri Department of Natural Resources (MDNR) on March 31, 2015 in response to a complaint from a local landowner alleging a release of vegetable oil to an unnamed tributary to the Big Piney River. MDNR was denied access to the facility but returned the following day on April 1, 2015 with a search warrant accompanied by state criminal investigators. Following their initial inspection of the facility, MDNR requested that EPA open the Oil Spill Liability Trust Fund (OSLTF) to address the uncontrolled release of waste vegetable oil from open dumping areas, leaking tanks, and leaking impoundments on the scene. EPA responded to the scene and opened the OSLTF and obtained a Federal Project Number (FPN) on April 1, 2015. On April 2, 2015 an Pollution Response Funding Authorization (PRFA) was issued to MDNR for a state-lead response.

1.1.2 Site Description

The BF Byproducts facility cover a 7.4 acre area and consists of an office/maintenance shop building; approximately seven aboveground storage tanks, ranging in capacity from 1,000 gallons to 18,000 gallons; approximately ninety restaurant-type oil/grease containers, ranging in capacity from 100 gallons to 300 gallons; two crudely constructed surface impoundments holding approximately 30,000 to 50,000 gallons of water/waste vegetable oil mixture.

1.1.2.1 Location

BF Byproducts is located at 13210 Russell Dr, Cabool, Missouri 65689.

The facility is located in a rural area of Texas County, Missouri, approximately 1.6 miles south of Cabool, Missouri. The surrounding area is forested with a number of farms surrounding the facility.

1.1.2.2 Description of Threat

Uncontrolled releases of waste vegetable oil from the facility were observed in an unnamed tributary to the Big Piney River. Although multiple discharges from facility have reportedly occurred over the past six months, the most recent incident resulted after heavy rainfall the previous week that caused two impoundments at the site to overflow into a drainage ditch and the tributary to the Big Piney River. The Big Piney River is less than two miles from the scene and flows through the south edge of Cabool, Missouri. EPA and MDNR observed and documented evidence of waste vegetable oil scum (sheen) in the downstream

tributary of the Big Piney River as far as 1.3 miles downstream from the scene and within 0.5 miles of the Big Piney River. Locals reported seeing similar sheens on the Big Piney River in the past six months.

1.1.3 Preliminary Removal Assessment/Removal Site Inspection Results

The incident was first reported to MDNR on March 31, 2015 by the local fire department who was passing on a complaint from an local landowner. Reportedly, discharges had been occurring for some time but were not reported to the MDNR or EPA. MDNR was initially denied access to the facility on March 31, 2015 but returned to the facility the following day on April 1, 2015 accompanied by MDNR criminal investigators. Following a quick assessment of the situation, MDNR immediately requested assistance from EPA to open the OSLTF to initiate response actions. EPA responded to the scene on April 1, 2015 and opened the OSLTF for preliminary assessment activities the same day. The following day on April 2, 2015, EPA requested that the FPN ceiling be increased to cover response actions and issued a PRFA to the state.

Criminal investigations by both EPA and MDNR are currently in progress.

2. Current Activities

2.1 Operations Section

2.1.1 Narrative

The United States Environmental Protection Agency, Region 7 responded to a release of used vegetable oil at a grease recycling facility south of Cabool that threatened discharge to downgradient streams, including the Big Piney River. Although multiple off-facility discharges have reportedly occurred over the past six months, the most recent incident resulted after heavy rainfall the previous week caused two surface impoundments at the facility to overflow into a drainage ditch and tributary to the Big Piney River, which is less than two miles from the scene and flows through the south edge of Cabool. The incident was reported to the MDNR by a local landowner.

On April 1, 2015, EPA was contacted by MDNR to request EPA open the OSLTF to respond to discharges of waste vegetable oil at the scene that threatened the Big Piney River. EPA responded to the scene and confirmed the imminent threat posed by the discharge. EPA opened the fund and issued a PRFA to MDNR to respond. MDNR mobilized their cleanup contractor to address immediate threats posed by the discharge, to prevent further off-facility spills from threatening downgradient surface water bodies.

2.1.2 Response Actions to Date

MDNR mobilized their response contractor on April 1, 2015. Response actions were initiated on the evening of April 1. Initial interceptor trenches were dug to intercept surface flow from the tank areas and from a dumping location on the top of the hill slope. Two frac tanks were brought in and approximately 17,000 gallons of oil/water mixture were pumped from the lower impoundment to increase freeboard. MDNR continued response actions on April 2nd and 3rd. Excavation of oil-saturated surface soils was begun. MDNR is stockpiling excavated soils on the scene in a stabilized area pending a disposal decision. Pumping of the upper impoundment was hampered by access and inclement weather. MDNR brought in rock to provide vacuum truck access to the upper impoundment. Emergency stabilization actions are expected to continue through the weekend.

2.1.3 Enforcement Activities, Identity of Potentially Responsible Parties (PRPs)

BF Byproducts is reportedly owned by Brian Fleming of Mountain Grove, Missouri. On January 20, 2015, Brian Fleming, along with three other individuals, were indicted by a federal grand jury for their roles in a conspiracy to sell more than \$5.6 million worth of spent cooking oil – stolen from restaurants across five states – to a recycling facility in Oklahoma.

Brian Fleming remains in custody awaiting trial in federal court.

BF Byproducts LLC continues to operate while Brian Fleming remains in custody.

2.1.4 Progress Metrics

<i>Waste Stream</i>	<i>Medium</i>	<i>Quantity</i>	<i>Manifest #</i>	<i>Treatment</i>	<i>Disposal</i>
waste vegetable oil	liquid	17,000 gallons			

2.2 Planning Section

2.2.1 Anticipated Activities

On April 3, 2015, MDNR requested that EPA assume the lead role in continuing response actions. Subsequently, EPA requested an increase in the FPN ceiling and an amendment in fund allocations from the National Pollution Fund Center to allow for federal assumption of the lead for on-scene response actions. EPA was not able to obtain an increase during the weekend of April 4th and 5th.

EPA will mobilize to the site during the week of April 6th after confirmation that the ceiling increase request has been approved.

2.2.1.1 Planned Response Activities

Continue emergency stabilization actions:

- drain the two surface impoundments
- excavate and stabilize oil saturated surface soils
- stabilize all excavated areas to prevent/control sedimentation runoff/discharges to surface waters
- stabilize all oil-containment tanks and vats to prevent further accidental releases
- evaluate disposal options for contaminated water and excavated soil

2.2.1.2 Next Steps

- Obtain FPN ceiling increase.
- Notify and mobilize EPA's ERRS contractor
- Evaluate long-term enforcement and site remediation options

2.2.2 Issues

None at this time.

2.3 Logistics Section

NA - This action does not warrant an IMT and no Logistics Section has been established. Logistics will be handled by EPA contractors.

2.4 Finance Section

2.4.1 Narrative

This action does not warrant an IMT and no Finance Section has been established. Finance functions will be performed by EPA contractors on the scene and EPA Finance personnel at the Regional Office.

A project ceiling increase has been submitted to the NPFC and is awaiting action.

2.5 Other Command Staff

2.5.1 Safety Officer

Safety Officer functions will be handled by designated personnel with the ERRS contractor and START contractor respectively with oversight be the OSC.

2.5.2 Liaison Officer

This action does not warrant an IMT and no Liaison Officer position has been established. Liaison responsibilities will be handled by the OSC.

2.5.3 Information Officer

This action does not warrant an IMT and no Information Officer position has been established. PIO responsibilities will be handled by a designated individual in the Regional Office of Public Affairs. Initial press inquiries were being handled by the MDNR PIO.

3. Participating Entities

3.1 Unified Command

NA - This action does not warrant a Unified Command structure.

3.2 Cooperating Agencies

In addition to EPA Region 7's Superfund Division, Emergency Response & Removal South Branch, agencies participating in response efforts to date include:

- EPA Region 7 Criminal Investigation Division
- MDNR - Environmental Emergency Reponse Program
- MDNR - Office of Criminal Investigation
- Missouri Attorney General's Office
- Texas County Sherriff's Department
- Cabool Police Department
- Cabool Fire Department

4. Personnel On Site

Wendall Hall, MDNR SOSC

Sunbelt Environmental response crew

5. Definition of Terms

NA

6. Additional sources of information

6.1 Internet location of additional information/report

<http://www.epaosc.org/BFBYPRODUCTS>

6.2 Reporting Schedule

weekly or as developments warrant

7. Situational Reference Materials

None

POLREP #1 Last Updated 4/9/2015