

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



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region VII

**Subject:** POLREP #2  
Progress  
BF Byproducts  
Z7DS - E15704  
Cabool, MO  
Latitude: 37.0992269 Longitude: -92.1039475

**To:**  
**From:** Paul Doherty, OSC  
**Date:** 4/7/2015  
**Reporting Period:** April 3 -7, 2015

## 1. Introduction

### 1.1 Background

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

#### 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 covers 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 8,000 gallons; approximately 90 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 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 discharges 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 facility 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 facility 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 discharge of used vegetable oil at a grease recycling facility south of Cabool that threatened 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 facility 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 continued through the weekend.

On April 3, 2015, MDNR requested that EPA assume the lead for ongoing response actions due to limitations of the state's available response budget. EPA submitted a project ceiling increase request to NPFC on April 3, 2015 to get authorization to mobilize EPA's ERRS contractor and increase EPA's costs ceiling.

On April 6, 2015, EPA received approval for the ceiling increase request and EPA and their contractors mobilized to the site. EPA assumed the lead for the site on April 7, 2015.

#### 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	120,000 gallons			
oil-contaminated soil	solid	150 tons			

## 2.2 Planning Section

### 2.2.1 Anticipated Activities

EPA will continue response actions to drain the impoundments, excavate and stockpile oil-contaminated

soil from spill areas and the drained impoundments.

#### **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**

- Evaluate long-term enforcement and site remediation options
- Evaluate liquid and soil disposal options
- Submit an OPA 90 Removal Project Plan required of NPFC projects exceeding \$250,000

#### **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**

No information available at this time.

### **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 by 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 Response Program
- MDNR - Office of Criminal Investigation
- Missouri Attorney General's Office
- Texas County Sheriff's Department
- Cabool Police Department
- Cabool Fire Department

EPA OSC is continuing to liaison with local agencies.

## **4. Personnel On Site**

Paul Doherty, EPA OSC

Michelle Handley, START

Ken Braig, ERRS Response Manager

6 man ERRS Crew

- 1 vac truck operator
- 1 equipment operator
- 3 technicians
- 1 field clerk

Bill Pippins, MDNR SOSC

**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