

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



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region VII

Subject: POLREP #5
Progress
BF Byproducts
Z7DS
Cabool, MO
Latitude: 37.0992269 Longitude: -92.1039475

To:
From: Paul Doherty, OSC
Date: 4/27/2015
Reporting Period: April 18 thru April 29, 2015

1. Introduction

1.1 Background

Site Number:	Z7DS	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#:	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 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 100,000 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.

From April 7 through April 10, work continued to drain the impoundments, excavate oil contaminated soil from spill areas and the bottom and side walls of the impoundments. Site stabilization actions were mostly completed on April 10th. Field crews have demobilized pending completion of disposal arrangements for stockpiled contaminated soil and waste/wastewater.

An OPA 90 Removal Project Plan required for projects exceeding \$250,000, was finalized and submitted to the NPFC.

Excavated oil-contaminated soil was shipped off the site for disposal at the Black Oak Landfill, Hartville, MO, from April 14 through April 17, 2015. A total of 778 tons of soil were shipped off site in 60 truckloads.

No site work occurred during the week of April 20th while the disposal company completed the waste profile analysis and arranged for the necessary permits and approvals.

The off-loading of the frac tanks is scheduled to begin Tuesday April 28, 2015. It's uncertain how long the off-loading may take as it is contingent on the number of trucks that can be scheduled, which is presently unknown.

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. No one at the facility claims to have the authority to act on behalf of the company and EPA has been unable to get an access agreement signed for the response.

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	140,000 gallons			scheduled to go to Terra Renewal, Dardanelle, AK
oil-contaminated soil	solid	778 tons	60 loads	NA	Black Oak Landfill, Hartville, MO

2.2 Planning Section

2.2.1 Anticipated Activities

EPA will complete off-site shipment of wastewater and clean and return frac tanks.

2.2.1.1 Planned Response Activities

Close-out response actions.

2.2.1.2 Next Steps

- Complete final actions and complete final polrep.
- Pursue enforcement actions and verify that a proper SPCC plan is prepared and implemented

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 are being 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 was approved on April 6, 2015. The current approved project ceiling is \$468,000. The state's PRFA was reduced from \$134,000 to \$90,000.

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.

3. Participating Entities

3.1 Unified Command

NA - This action does not warrant a Unified Command structure. However, EPA is coordinating closely with the MDNR and local officials. See Section 3.2.

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

EPA OSC is continuing to liaison with local agencies.

4. Personnel On Site

no personnel were on the site the week of April 20 - 24.

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 #5 Last Updated 5/3/2015