Complaint? N



Emergency Response Section - Initial Pollution Incident Report (IPIR)

3/1/2016

Spill Id Number: 1602-23-0352//0 District: CD

Reported By: OFFICER DUFFUS Reported: 02/29/2016 14:16

Title: DISPATCHER Discovered: 02/29/2016 14:16

Telephone: (740) 652-7911 ext: Occurred: 00/00/0000

Affiliation: SHERIFFS OFFICE Chronic: N

County: FAIRFIELD City/Township: HOCKING TOWNSHIP

Did Spiller Report ? N

Received By: WOLFE AARON Priority: 4

Business: N SARA Report: N

Suspected Spiller: PATRIOT STAR
Mailing Address: 104 BIRCH ST

ALAMONTE, FL 32714-2107

Telephone: (855) 577-4669 ext:

Location: US 33 WESTBOUND LANE NORTH OF 188 EXIT

Source: TRANSPORTATION - TRUCK - OTHER

Cause: SADDLE TANKS Reason: ACCIDENT

Waterways Affected: DITCH Media Affected 1: LAND OR LAND SURFACE

Media Affected 2: SURFACE WATER/STORM SEWERS Media Affected 3:

Product(s) Spilled

Product	Amount UOM	RQ	Size	Type	EHS
DIESEL	100.0 GAL	.0	S	Н	N
	Remark				

TRACTOR TRAILER ACCIDENT ON US 33 LANCASTER BYPASS JUST NORTH OF THE 188 EXIT IN THE WESTBOUND LANE. HOCKING TOWNSHP FIRE ON-SCENE. LIMITED INFORMATION PROVIDED DUE TO ON-SCENE PERSONNEL BEING OCUPPIED WITH FIGHTING THE FIRE. OEPA ASSISTANCE REQUESTED. OSC IRWIN NOTIFIED. DISPATCHER REQUESTED OSC COMMUNICATE WITH SHERIFFS OFFICE FOR ADDITIONAL INFORMATION.

OSC IRWIN ARRIVED ON SCENE AND COLLECTED THE CONTACT INFORMATION FOR THE RESPONSIBLE PARTY. RP HAS HIRED GREEN CHARGE INC AS THE CLENAUP CONTRACTOR.



Spill Id Number: 1602-23-0352

OSC: 1796 - IRWIN, TREVOR

Spill Status: CONTINUING

Date

Time

Reported: 02/29/2016

14:16

Discovered: 02/29/2016

14:16

Reported By: OFFICER DUFFUS Title: DISPATCHER

Affiliation: SHERIFFS OFFICE

Telephone: (740) 652-7911

Extension:

Spill Location Information

County: FAIRFIELD

Occurred: 00/00/0000

City/TWP: HOCKING TOWNSHIP

Latitude: 39-43-50.2 N Longitude: 82-40-43.4 W

Location: US 33 WESTBOUND LANE NORTH OF 188 EXIT

Waterway: HOCKING RIVER UNNAMED TRIB

Length:

Land Area: 800 SQUARE FEET

Entity Information

Name/Company: PATRIOT STAR INC

Address: 104 BIRCH ST

City: ALTAMONTE SPRINGS

State: FL

Zip Code: 32714

Telephone: (855) 577-4669

Ext: **SPCC Plan in Effect:**

Entity Representatives

Name

SPCC Plan Req:

Title

Phone

Extension

KEN LONG

PRESIDENT

(855) 577-4669

ELIZABETH LONG

VICE PRESIDENT

(855) 577-4669

Additional Entity

Name/Company: HADLEY & LYDEN, INC.

Address: PO BOX 700

WINTER PARK, FL 32790

Telephone: (407) 679-8181

Ext:

Entity Representative

Name

Title

Phone

Extension

Extension

BRAD ALLEN

AGENT

(407) 679-8181

Name/Company: MELVIN NIHART

Address: 523 SEMINOLE WAY

WILMINGTON, OH 45177

Telephone: (937) 218-0704

Ext:

Entity Representative

Name

Title

OWNER/OPERATOR

Phone

DAVID NIHART

(937) 218-8902

MELVIN NIHART

OWNER/OPERATOR

(937) 218-0704



Spill Id Number: 1602-23-0352 OSC: 1796 - IRWIN, TREVOR

Spill Status: CONTINUING

Products Spilled

ProductAmountUOMTypeDIESEL100.0GALH

Source: TRANSPORTATION - TRUCK - OTHER

Cause: SADDLE TANKS Reason: ACCIDENT

Media Affected: LAND OR LAND SURFACE IMPACT

SURFACE WATER/STORM SEWERS

Other Contacts

Name	Title	Phone	Extension
JON KOCHIS	FAIRFILED CO EMA	(740) 654-4357	
CAPTAIN KILBARGER	HOCKING TWP FD	(740) 654-5615	
DARIN DORR	GREEN CHARGE INC	(614) 802-9118	
DOUG RIFFLE	ODOT TRANSPORTATION MANAGER	(740) 653-5961	

Referrals

Supporting Documentation

Document	Document Date	Pages
PHOTOS/SLIDES	03/01/2016	1
INCIDENT REPORT	02/29/2016	1
U.S.DOT/SAFER WEBSITE-MOTOR CARRIER DATA	03/01/2016	2
FIELD NOV	03/01/2016	2



Spill Id Number: 1602-23-0352

OSC: 1796 - IRWIN, TREVOR

Status: CONTINUING Activity Date: 02/29/2016

Phone Followup: NO

02/29/2016

1418: OSC Irwin was notified by DO Wolfe of a diesel fuel release in Fairfield County due to a semi-truck fire. The release had been reported by the Fairfield County Sheriff's Office and was located on U.S. 33 westbound, north of the SR 188 interchange. The OSC gathered the contact information for Officer Duffus, FCSO, who reported the release. The OSC contacted the FCSO for more information. The vehicle was still involved in the fire and scene personnel were unable to provide information regarding the trucking company. Fuel was reported to be escaping the saddle tanks due to damage from the fire. The OSC determined that a response was warranted. The OSC contacted the OHP Lancaster Post regarding the report. OHP was on scene, but was controlling traffic. OHP was not certain of issues with regard to the release of fuel from the vehicle.

1442: The OSC departed GFO for Fairfield County spill # 1602-23-0352.

1510: The OSC arrived on scene and met with John Kochis, Fairfield County EMA, and Capt. Kilbarger, Hocking Twp FD. The semi-tractor was a total loss. The trailer was not heavily damaged in the fire. Midwest Towing was on scene and was preparing to remove the remaining fuel/water mixture from the saddle tanks. An unknown amount of diesel fuel was in the saddle tanks at the time of the fire. Kochis informed the OSC that absorbent containment had been placed in the surface water ditch located at the toe of slope of the road shoulder. The OSC took photographs of the scene. OHP provided the OSC with the name and contact information of the owner of the vehicle as well as the U.S. DOT number (2301710). The OSC contacted David Nihart, son of the owner. The vehicle owner, Melvin Nihart, was not available since he had departed the scene and his cell phone had been destroyed in the fire. The OSC explained to Nihart the need to hire a cleanup contractor to address the fuel release. Nihart provided the phone number and claim number for the vehicle's insurance company. The OSC contacted the insurance company regarding the release. The OSC was informed that the policy for Nihart did not cover liability claims, which included fuel releases. The OSC researched the DOT #. The semi was being operated for Patriot Star Incorporated. The OSC contacted Ken Long, Patriot Star, regarding the release. Long indicated that he was not familiar with how to proceed with directing a spill cleanup. The OSC explained the obligations of a responsible party with regard to a fuel release that occurred in the state of Ohio. The OSC provided Long with a list of cleanup contractors that were capable of addressing the release and remediation. Long stated that he would contact his insurance company and report back to the OSC.

1623: The OSC contacted Long to determine if a contractor had been hired. Long stated that he had hired Green Charge, Inc. and that Darin Dorr would be contacting the OSC shortly.

1626: The OSC was contacted by Dorr regarding the cleanup and remediation of the scene. Dorr stated he would be on scene within the hour. The OSC explained the circumstances surrounding the release to Dorr. Once Dorr arrived on scene, the OSC and Dorr would discuss the best options for site cleanup.



Spill Id Number: 1602-23-0352

OSC: 1796 - IRWIN, TREVOR

Status: CONTINUING Activity Date: 03/01/2016

Phone Followup: NO

02/29/2016

1730: Dorr arrived on scene. After inspecting the release site, the OSC and Dorr determined that some soil excavation was necessary. The area where the semi was located would need to be excavated. Due to the severity of the slope from the shoulder to the ditch, it was determined that excavation was not an option. Slope stabilization was of greatest concern. With the forecast for precipitation over the next few days, the OSC and Dorr decided to deploy absorbent materials in the ditch in the event that fuel was washed from the hillside vegetation.

Dorr further investigated the ditch to determine the extent of the release. Dorr informed the OSC that one pocket of fuel was observed being contained behind the absorbent materials that the FD and Co EMA had initially deployed. No fuel was observed downstream of that containment. Dorr deployed additional absorbent materials in the ditch in an effort to collect the fuel.

With the scene stabilized and daylight fading, the OSC and Dorr determined that the excavation activities should be postponed until the following morning. The OSC and Dorr discussed closing the shoulder with Doug Riffle, ODOT. Riffle stated that ODOT would leave their cones out on the edge of the road shoulder overnight. Once Green Charge arrived on 03/01/2016, the cones could be moved to the edge of the road to close off the shoulder. An ODOT signal board would also be left on scene as well to alert oncoming traffic.

1853 - 1906: The OSC departed the scene and arrived at home.

03/01/2016

0712: The OSC departed home for Fairfield County spill # 1602-23-0352.

0730: The OSC arrived on scene and began constructing the DOIR.

0930: Green Charge arrived on scene. After surveying the area of the release, Dorr determined that a lane closure would be needed to facilitate a more efficient and safe work area. ODOT agreed and asked that cleanup efforts be delayed until 0930. Green Charge deployed two dump trucks and a mini excavator work the excavation work. Dorr marked the area of excavation. Fresh top soil was brought to the scene for backfill of the excavation.

1015: The OSC issued a field notice of violation to Patriot Start for violations of ORC 6111. The OSC forwarded a copy of the FNOV to Long for signature. The OSC contacted Patriot Star regarding the FNOV. Elizabeth Long, Vice President, accepted the FNOV and forwarded a signed copy to the OSC.

1200: Green Charge finished excavating the impacted soil for disposal. All soils were removed from the scene and disposed of at Ohio Soil Recyclers near Columbus, Ohio. Fresh top soil was placed in the excavation and seeded. Green Charge planned to return to the scene in a few days to service all absorbent materials in the ditch. No further emergency response activities are anticipated for this release.

1230: The OSC departed the scene for GFO.

1300: The OSC arrived at GFO.



Spill Id Number: 1602-23-0352

OSC: 1796 - IRWIN, TREVOR

Status: FINAL Activity Date: 03/01/2016

Phone Followup: NO

03/01/2016

(continued)

1400: The OSC completed the DOIR. All Attachments have been placed in the ER DB.

The Ohio Environmental Protection Agency (Ohio EPA), Division of Environmental Response, Investigation and Enforcement (DERIE), is closing out the emergency phase of this incident. Ohio EPA DERIE will continue to be the contact for any current and/or future activities related to this incident, and will also continue to collect any data or documents related to the final cleanup actions.

Regarding cost recovery, Ohio EPA DERIE considers the emergency portion of this incident concluded. Any further work done by Ohio EPA DERIE at this site, including review of documents or any other incident-related work, will not be included for cost recovery purposes.

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/or abatement actions necessary to address releases or discharges into the environment at the above designated site; to seek civil penalties, reimbursement of oversight costs; and to enforce any other appropriate legal or equitable relief for any violations of laws.



FEBRUARY 29, 2016 PHOTO LOG



Photograph #1



Photograph #2



Photograph #3



Photograph #4

Photograph #1: Extend of flames from fire. Diesel fuel discharged the saddle tanks and flowed

down the slope to the ditch.

File Name: IMG_1105 Photo Date: February 29, 2016

Photograph #2: Area of grossly impacted soil.

File Name: IMG_1106 Photo Date: February 29, 2016

Photograph #3: Area of impacted soil after excavation.

File Name: IMG_1114 Photo Date: March 1, 2016

Photograph #4: Absorbent containment in road drainage ditch. Photo by Green Charge, Inc.

File Name: IMG_1118 Photo Date: March 1, 2016

All photos taken by OSC Irwin, unless noted.



Division of Environmental Response, Investigation and Enforcement ER PROGRAM

NOTICE OF VIOLATION

Ohio EPA Inc	cident Number:	1602-	23-0352			Da	te of Discov	very:	02/29	9/2016	
Entity:	Patriot Star,	Inc									
Address:	104 Birch St.	, Alar	nonte, Fl	L 32714-	2107						
Phone:	855-5774669	855-5774669 Cellular: 717-371-8495 Email: PATRIOTSTARINC@GMAIL.COM									
	This is to advise that due to circumstances noted below you have responsibility for one or more violations of the following Ohio Revised Code chapters: 3704, 3714, 3734, 3750, 6109, ✓ 6111, or Ohio Administrative Code 3745-1-04.										
A semi-tru County, Of fuel escap tributary of violation of Note: Notice of address the violational violational violation of	Description of violation(s) / incident circumstances: A semi-truck operating under the U.S. DOT of Patriot Star was traveling westbound on U.S. 33 in Fairfield County, Ohio, when it caught fire. During the course of firefighting efforts, an unknown amount of diesel fuel escaped the damaged saddle tanks and entered a drainage ditch that discharges to an unnamed tributary of the Hocking River. The ditch is a conveyance to Waters of the State of Ohio. This is in violation of ORC 6111. Note: Notice of a violation is not a final action of the Director and is not a necessary prerequisite to a violator's liability for or obligation to address the violation. Citation of a violation in this notice does not preclude the Ohio Environmental Protection Agency (Ohio EPA) from citing additional violations. Each day of each violation is a separate offense. Actual costs incurred by Ohio EPA or its contractor, if any, may be invoiced to the responsible party for reimbursement as authorized by law. Appropriate responses include abatement, assessment or remedial responses, as needed, to address the violation. Initial abatement actions are given below.										
 Hire a c Have th Provide 	5.6.										
Note: Ohio EPA does not assume liability for any abatement, assessment or remedial responses by entity. Ohio EPA reserves the right, pursuant to chapters 3704, 3714, 3734, 3745, 3750, 6109 and 6111 of the Ohio Revised Code and any other applicable state or federal laws or regulations, to require further site assessment and abatement to address release(s) of hazardous wastes, hazardous substances, industrial wastes or other wastes, pollutants or contaminants into the environment at or from the above designated site. Ohio EPA also reserves the right to seek civil penalties, reimbursement of costs, and any other appropriate legal or equitable relief for any violation. By signing below the party acknowledges receipt of the Notice of Violation but does not admit the fact of or liability for any violation. Signature of receipt of this notice: Date: Emailed on: 02/01/2016											
Printed name	e of above: EL	IZABE	TH A. LC	NG			Date:	Emailed	OH.	03/01/	/2016
Issuing OSC	Trevor L. Irv	vin		Phone:	614-886-2	484	Email:	trevor.ii	rwin		@epa.ohio.gov

Notice of Violation Page 1 of 2

Pursuant to applicable law, Ohio EPA may request the Attorney General to commence action for legal and equitable remedies, or civil or criminal penalties, or both, whenever there is cause to believe that any person or any source of pollution is violating or has violated any applicable provision of Chapters 3704, 3714, 3734, 3745, 6109, 6111, or other provisions of the Ohio Revised Code administered by Ohio EPA or any rule or order of Ohio EPA, and administrative remedies taken have been or appear likely to be ineffective.

The following penalties may be assessed based on violation of an applicable Ohio Revised Code section:

Chapter 3704: Air Pollution Control

Violations may result in civil penalties of not more than \$25,000 for each day of each violation.

Chapter 3714: Construction and Demolition Debris

Violations may result in civil penalties of not more than \$10,000 for each day of each violation.

Chapter 3734: Solid and Hazardous Wastes

Violations may result in civil penalties of not more than \$25,000, \$10,000, or \$250 for each day of each violation, depending on the section violated.

Chapter 3750: Emergency Planning

Violations may result in civil penalties of not more than \$25,000 for each violation or \$10,000 for each day of violation, depending on the section violated.

Chapter 6109: Safe Drinking Water

Violations may result in civil penalties of not more than \$10,000 for each day of each violation.

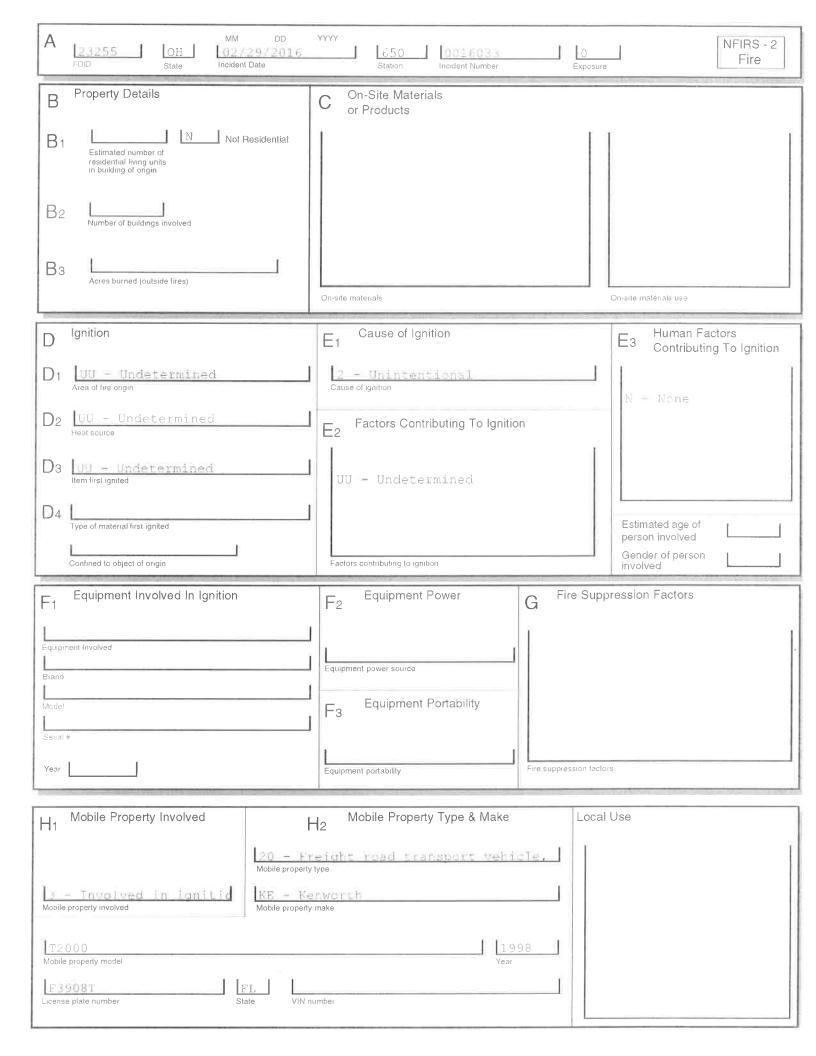
Chapter: 6111: Water Pollution Control

Violations may result in civil penalties of not more than \$10,000 per day of violation.

Criminal fines and/or imprisonment may also be assessed in accordance with sections 3704.99, 3714.99, 3734.99, 3750.99, 6109.99, and/or 6111.99 of the Ohio Revised Code.

Notice of Violation Page 2 of 2

A 23255 OH 02/29/2016 FDID State Incident Date	NFIRS - 1 Station Incident Number Exposure NFIRS - 1 Basic
B Location 1 - Street addres Address Type Number/Milepost Prefix Apt / Suite/Room City STATE ROUTE Cross street or directions as	NCASTER OH 43130 State Zip Code
C Incident Type 132 - Road Freight or tr Incident Type D Aid Given or Received	Pates & Times Midnight is 0000 Month Day Year Hour Min Seconds Alarm Alarm Alarm District Platoon
Their FDID Their State Their Incident Number State 1 - Mutual aid received Type Aid Given or Recreved	Arrival 02/29/2018
Actions Taken 11 - Extinguish 43 - Hazardous materials spill Control and confinement 78 - Control traffic Actions Taken	G1 Resources Check this box and skip this section if an Apparatus or Personnel form is used Apparatus Apparatus Personnel Suppression EMS Other The state of the source counts include aid received resources G2 Estimated Dollar Losses & Values LOSSES: Required for all fires if known Optionsitor non fires Property Contents PRE-INCIDENT VALUE: Optional Property Contents Contents Contents Contents
H1 Casualties H2 Deaths Injuries Fire Service 0 0 1 Civilian 0 10	
	NIHART MI Last Name Suffix WAY Street Type Suffix WILLTMNGTON City TRIOT STAR ss name (if applicable) Area Code Phone Number
K2 Owner Mr_Ms_Mrs First Name Number Prefix Street or Highway Post Office Box Apt./Suite/Room	MI Last Name Suffix Street Type Suffix City
State Zip Code Busines	ss name (if applicable) Area Code Phone Number



А	232 <u>5</u> 5 FDID	OH State	MM DD YYY 02/29/2016 Incident Dale	Y 650 Station	0016033 Incident Number	Exposure	NFIRS Remarks

Remarks

DISPATCHED TO A POSSIBLE SEMI TRUCK ON FIRE. CAPTAIN 651 IN COMMAND OF SCENE U/A FOUND A SEMI TRUCK AND TRAILER OFF THE SIDE OF THE 33 BYPASS WITH THE TRUCK FULLY Evolved. CALLED FOR GREENFIELD FIRE TO ASSIST. UPON TRYING TO EXTINGUISH THE FIRE CREWS NOTICED THAT THE FUEL TANKS WERE EXPOSING FUEL AND SPILLING OUT OF THE TANKS APPROXIMATELY 100 GALLONS WAS ON THE GROUND. DRIVER STATED THAT THE TANKS WERE ALMOST FULL PRIOR TO HIM PULLING OVER AFTER MOTICING SMOKE IN THE CAB HE ALSO STATED THAT HE TRIED TO PUT OUT THE FIRE WITH THE EXTINGUISHERS HE HAD IN THE TRUCK, CAPT651 CALLED FOR HAZMAT AND THE EPA TO RESPOND DO TO THE FUEL POSSIBLY GETTING INTO THE WATER WAY VIA THE DITCH. EXTINGUISHED DRIVERS SIDE WITH THE FOAM PACK ONCE E561 ARRIVED THEY USED THEIR HOSE GINES WITH FOAM TO EXTINGUISH THE PASSENGER SIDE. JOHN KOCHES FROM THE EMA FOR HAZMAT SHOWED UP AND WAS IN COORDINATION WITH THE EPA REPRESENTATIVE TREVOR ERWIN. CREWS USED OIL DRY PIGS IN THE DITCH APPROXIMATELY 200-300 FEET AWAY FROM THE TRUCK TO TRY AND CATCH THE DIESEL FUEL THAT MADE IT INTO THE DITCH. KEPT THE BYPASS SHUT DOWN UNTIL THE WRECKER COMPANY COULD PUMP OFF THE REMAINING FUEL AND REMOVED THE DEBRIS FROM THE ROADWAY. NOTHING IN THE TRAILER WAS DAMAGED FROM THE FIRE. DRIVER STATED THAT HE WAS HAULING SHELVES FOR WAL-MART. OSP RELEASED ALL CREWS ONCE SCENE WAS SAFE ENOUGH DUE TO THE TRAFFIC.

YEVE KILBARGE sature	R CAPTAIN Position or rank	Assignment	Month	Day	Year
'EVE KILBARGE ature	R CAPTAIN Position or rank	Assignment	Month	Day	Year
	EVE KILBARGE	EVE KILBARGER CAPTAIN	Position or rank Assignment EVE KILBARGER CAPTAIN	Position or rank Assignment Month EVE KILBARGER CAPTAIN	Position or rank Assignment Month Day EVE KILBARGER CAPTAIN

23255 O FDID Sta		00160 nodent Num		0 Exposure	NFIRS - 9 Apparatus or Resources
B Apparatus or Resource	Dates and Times Month Day Year Hourshims	Sent	Number of People	Use Check CNE how for each apparatus to indicate its main use at the incident	Actions Taken
1 ID	Dispatch L L L L L L L L L L L L L L L L L L L	A	피	1 - Suppress	
Z ID Type 14	Dispatch Arrival Clear	1 1	3	1 - Suppress	
3 ID	Dispatch Arrival Clear				
4 ID	Dispatch Arrival Clear				
5 ID	Dispatch				
6 ID	Dispatch	L	<u> </u>		
7 ID	Dispatch Arrival Clear				
8 ID	Dispatch Arrival Clear				
9 ID	Dispatch Arrival Clear				
Type	Dispatch Clear				
11 ID	Dispatch Clear				
12 ID	Dispatch Arrival Clear				
13 ID	Dispatch Arrival Clear				

	MM DD YYM 04 02 / 29 / 20 1 6 Incident Date		0 0 1 6 0 3 3 nodent Number		(i Exposure		NFIRS - 10 Personnel
B Apparatus or Resource	Dates and Times Month Day Year	Hours Mins	Sent	Number of People	USE Check OME box for apparatus to indicate use at the incide:	each ust up t ts main leach ac	ns Taken o 4 actions for paratus and isonnel
Type 11	Dispatch Arrival Clear		Sent X	<u>4</u>	1 - Suspr	essi L	
Personnel ID	Name	Rank or Grade	Attend	Action Taken	Action Taken	Action Taken	Action Taken
Capt 651 11653 39 13 L	Kilbarger, Steve Lytle, Ryan Kent, Chris HOLLER, EMMY	Captain FF/EMT L FE TRIANEE	X	3-3-3-	11,95/h 10,90/h 10,70/h	f del	
2 ID	Dispatch Arrival Clear		Sent	#	1 - Suppr	ussi L	
Personnel ID	Name	Rank or Grade	Attend	Action Taken	Action Taken	Action Taken	Action Taken
15 37 11	Tucker, Chris PARLIER, KYLE THAXTON, DYLON J	FF/EMT UR FF	_ X _ X	3-3-3-	10-1-1-10-1-10-1-10-1-10-1-10-1-10-1-1	Hel Hel	
3 ID	Dispatch Arrival Clear	ſ	Sent	#			
Personnel ID	Name	Rank or Grade	Attend x	Action Taken	Action Taken	Action Taken	Action Taken