

August 4, 2021

To: Mayor and Members of City Council
From: Paula Boggs Muething, City Manager *PM*
Subject: Gas Station Leak in West Price Hill

REFERENCE DOCUMENT #202100850

On February 26, 2021, the Law and Public Safety Committee referred the following for a report:

MOTION, submitted by Councilmember Smitherman, On December 24, 2020, a BP gas station situated at the corner of West Eighth Street and Pedretti Avenue leaked an estimated 360 gallons of gasoline from one of its aging tanks. The gasoline penetrated sewer lines, affecting residents on Carnation Avenue, Cappel Drive and Hermosa Avenue. Dozens were forced to leave their homes or endure serious restrictions on their indoor activities due to the presence of gasoline fumes. We believe other aging gas stations -many in lower-income neighborhoods -may also have aging tanks which could put our citizens at risk Accordingly, WE MOVE that the Administration provide a full report regarding the leak and all efforts to remediate it. This report should provide concise information for the affected residents regarding claims they may make to the Metropolitan Sewer District for compensation related to the leak, as well as an outline of the various state and local agencies with jurisdiction over the matter and all efforts (civil, criminal, and administrative) which are being undertaken to address the negligence which led to this incident. Moreover, ME MOVE that the. Administration work with all applicable state, local and federal agencies to compile a list of other aging gas stations within the City limits which may reasonably present a similar risk to City residents.

The following report provides an overview of the gasoline leak that occurred at Fast Stop Gas Station at West 8th Street and Pedretti Avenue in West Price Hill and efforts to remediate it. This report also provides information previously provided to residents on how to file a claim with the Petroleum Underground Storage Tank Compensation Board (PUSTRCB) for compensation related to the leak. The City has been working closely with the state Bureau of Underground Storage Tank Regulations (BUSTR), which regulates gasoline stored by gas stations in underground storage tanks (USTs). A list of all gas stations in Hamilton County with active environmental actions monitored by BUSTR is also attached.

Background

A gasoline leak occurred from a fuel line at the Fast Stop gas station at 4501 West 8th Street in West Price Hill in December 2020. About 360 gallons of gasoline leaked into the ground presumably above the gas station's private building sewer. Fumes from the leaked gasoline then entered the public sewer system and other underground trenches and entered area homes and

businesses. Odors were reported by residents in the vicinity of West 8th Street and Pedretti Avenue on December 24, 2020, with Cincinnati Fire Department (CFD) and Metropolitan Sewer District (MSD) responding to the calls.

MSD immediately began flushing the sewers with clean water and did so beginning on the first day of the complaints, December 24. On December 25, MSD began looking for the source of the odors, and the Cincinnati Fire began door-to-door visits of properties in the neighborhood.

On December 26, the CFD ordered the gas station to close its gas pumps and empty its gasoline storage tanks. The CFD remained in charge of emergency response, addressing the immediate threat caused by the leaked gasoline. The U.S. Environmental Protection Agency (EPA), Ohio EPA, MSD, and BUSTR worked together with the fire department to help assess conditions and available enforcement options.

BUSTR is responsible for implementing Ohio's UST program to ensure compliance with requirements for registration and permitting, release detection and reporting, and closure and corrective action for tank systems. Suspect releases from regulated UST systems are required to be reported to BUSTR within 24 hours. Following confirmation of a suspect release, immediate corrective action by the UST owner is required with a report to BUSTR within 20 days.

Beginning on January 4th, at the request of the City Manager's Office, MSD & CFD hosted five virtual community update meetings with Q&A of the various agencies to help keep residents updated on status. MSD has a webpage to provide info to the community at: <http://www.msdcg.org/GasLeak/index.html>. This webpage has information about various agency involvement including information to residents about how to submit a claim to the appropriate state agency (PUSTRCB – Petroleum Underground Storage Tank Release Compensation Board). The most recent public Q&A meeting occurred on June 7th.

On February 17, 2021, the CFD and MSD presented an update to City Council that included a timeline of the emergency response, an overview of the actions required by BUSTR to investigate and clean up the site such as repair, replacement and upgrade the piping, mechanicals, and secondary containment on the site. The February 2021 report to Council also included an overview of the Operating Permit which was currently and remains revoked by CFD.

Gas Station Leak and Remediation Efforts

Reports were made to CFD by residents of an odor coming through basement sewer drains into private residences on December 24, 2021. At the same time, gas station employees noticed a drop in pressure in the gas station UST system. On December 28, BUSTR required the gas station owner to hire a qualified environmental consultant, ATC Group Services of Sharonville, to assist with the investigation of the release, the implementation of immediate corrective actions, and longer-term remediation of releases of gasoline into the environment. BUSTR is overseeing the work by ATC.

The source of the release was determined to be the "premium product line" between the UST and the dispenser – both of which are located on private property. The release was estimated to be 360 gallons of premium gasoline which entered the trench line where the product line and sewer line is located. The trench line has a base of gravel, and this served as a conduit for gasoline to seep into the sewer and vapors to travel into building sewers and into homes.

Once the release was identified, CFD ordered all fuel to be removed from the USTs and product lines. Free product identified in the UST cavity was removed via vacuum truck extraction over the

course of several weeks. The Immediate Corrective Action activities included investigations of on-site sanitary sewer lines, two separate excavations to expose the sanitary sewer line and install a recovery system (failed due to subsurface conditions), and four additional extraction events to recover product from the tank pit. Four soil borings/monitoring wells have been installed in the vicinity of the UST cavity and product line piping; separate phase product was not identified in any of the monitoring wells. A shallow extraction well (EW) was installed in the vicinity of the former product line trench (east of the southeast fuel dispenser) during excavation to replace the broken product line. This EW is used to draw any residual product and impacted soil vapor from the backfill material beneath the former piping trench and surrounding the on-site sanitary sewer fill material, as needed.

Based on data gathered to date from the 4 monitoring wells (MW) installed, soil in the vicinity of MW#4 is elevated for 3 constituents and groundwater in the vicinity of MW#2 and MW#4 are elevated for 4 constituents. According to BUSTR, the operator must perform a "Tier 1 Delineation" which is due one year after detection of elevated levels which is by January 27, 2022. The Delineation report will determine if the groundwater is considered Drinking Water source and that will determine the action levels going forward for the release. After Tier 1 Delineation is complete then a Tier 2 evaluation and site-specific action levels may be established according to BUSTR.

In terms of product recovery, a total of 8,300 gallons of petroleum-impacted water and product from the observation well in the UST cavity according to BUSTR. Additionally, 5 cubic yards of petroleum impacted fill material was removed during the product line closure. BUSTR estimates that 331 gallons of product has been recovered and believes the product has been collected but there may be some residual entrenched in the soil and will be investigated as part of the Tier 1 Delineation.

The UST system upgrades have been completed including the removal and replacement of all product lines, fuel dispensers including under dispenser containments, new containment sumps, sump sensors, spill buckets, electric wiring for all UST system components, and Veeder Root monitoring system upgrades.

Filing a claim to the Petroleum Underground Storage Tank Release Compensation Board (PUSTRCB)

The gas station owner has a Certificate of Coverage (similar to insurance) with PUSTRCB. PUSTRCB covers individual leaks up to \$1 million per incident. In January, MSD shared this information with residents and posted it to <http://www.msdbg.org/GasLeak/index.html>.

Residents wishing to submit a claim related to this incident are advised to:

- a. Assemble quotes or receipts for expenses incurred by this incident.
- b. Submit your name, address, and your quotes/receipts to Dan Adams, ATC Group Services, dan.adams@atcgs.com
- c. If residents do not have access to email or have additional questions about the claims process, residents may contact Dan by phone at (513) 505-8481 (mobile) or (513) 771-2112, Ext. 241 (office).

State and local agencies with jurisdiction over the matter

Below is a list of various agencies that were involved in the immediate corrective action and current enforcement actions relating to the incident.

- Bureau of Storage Tank Regulations (BUSTR) - does not anticipate any civil, criminal, and administrative actions related to negligence.
- Cincinnati Fire Department (CFD)

- Ohio EPA Emergency Response Unit
- Office of Environmental Quality
- Cincinnati Board of Health
- State Health Department

MSD - a summary of the enforcement actions taken with Fast Stop:

- 1/26/2021 Notice of Violation (NOV) with \$12,600 penalty issued for 7 violations of MSD Rules and Regulations. NOV requires Fast Stop to meet with MSD representatives to discuss actions going forward.
- 2/15/2021 Fast Stop responds to NOV, identifies source of violations and requests 75% penalty offset for activities intended to mitigate impact of violations.
- 2/17/2021 MSD hosts virtual compliance meetings with Fast Stop and their representatives. Fast Stop offers to pay 25% of penalty with MSD holding 75% of penalty in abeyance pending verification of completion and verification of payment for activities to mitigate violations.
- 3/9/2021 MSD Compliance Services Division notifies MSD Wastewater Administration to invoice Fast Stop \$3150 (25% of \$12,600 penalty amount.)
- 3/10/2021 MSD Wastewater Administration Invoices Fast Stop \$3150.
- 3/22/2021 Fast Stop pays invoice by check.
- 8/17/2021 due date for completion of mitigation activities and demonstration of payment for activities.

A list of aging gas stations within the city limits that represent a similar risk.

Currently, there are a number of aging gas stations in the city limits. BUSTR oversees periodic inspections and reporting on the part of all such gas stations. CFD has no direct regulatory authority over USTs, except in emergency situations, and has limited ability to regulate or inspect USTs that are governed by state requirements. For example, the City could not close a gas station that is compliant with BUSTR regulations unless there were emergency public health and safety issues such as those that arose in connection with the station at West 8th and Pedretti. CFD has nevertheless engaged BUSTR to increase proactive enforcement in relation to aging USTs across the City.

BUSTR enforcement processes will benefit from better communication and information sharing with local health and safety agencies such as CFD. Prior to this incident local agencies were not provided information from BUSTR on noncompliant stations or stations with environmental actions. BUSTR has provided MSD with its database and MSD categorized the sites based on its understanding of the BUSTR status activities. CFD and MSD will now be better positioned to track active and ongoing environmental actions that BUSTR is currently overseeing. (Attached is a map of BUSTR identified sites in different phases of corrective environmental actions, as listed.)

According to BUSTR, the best possible indicator of risk of UST leak is the age of the tanks, but risk can also be increased due to poor management or faulty installation. With BUSTR's commitment to timely share information and reports of noncompliance with City agencies, CFD will have a more active role in identifying at-risk properties needing additional inspection and enforcement resources.

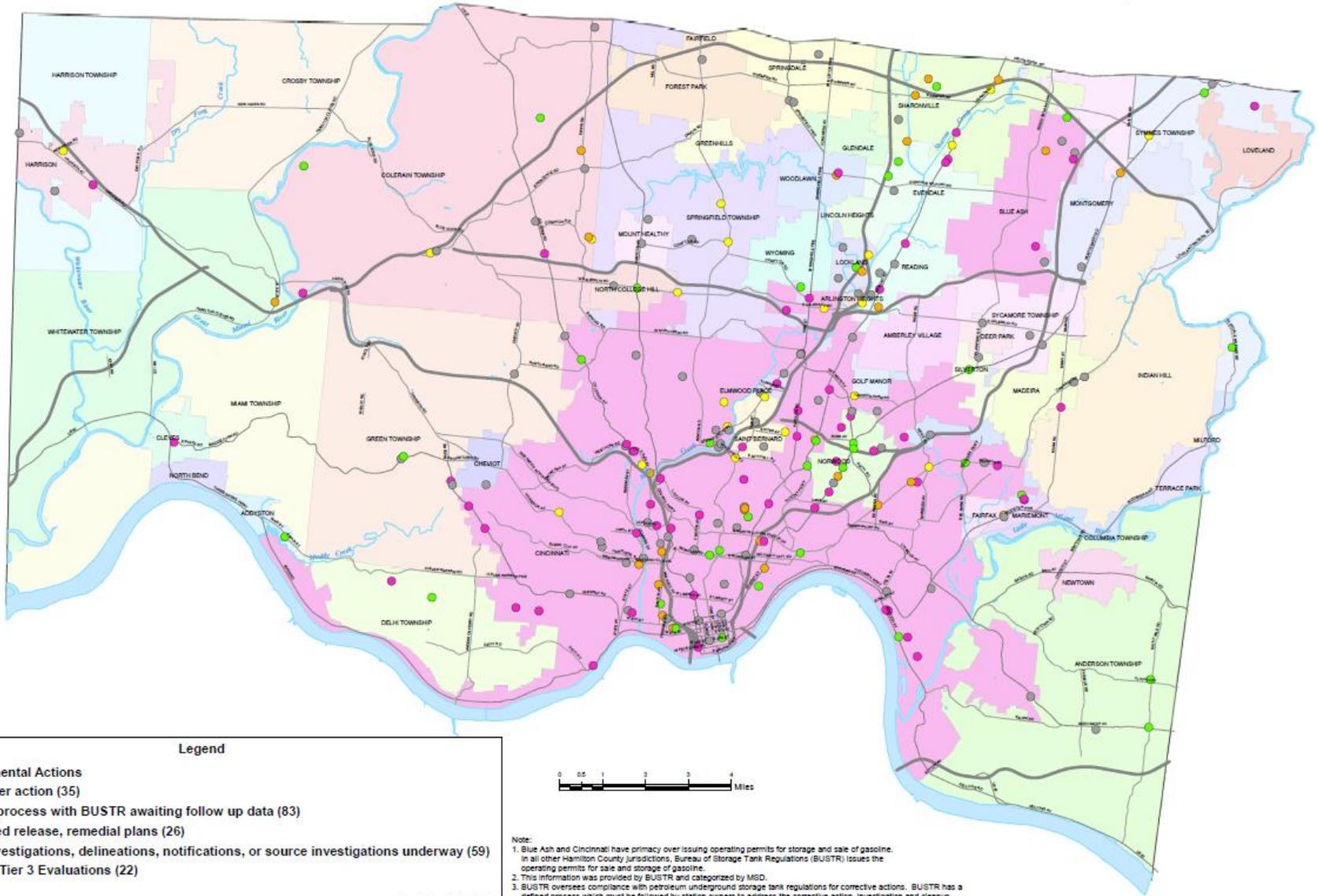
SUMMARY

In summary, BUSTR is the lead agency responsible for ensuring compliance with environmental regulations associated with underground storage tanks such as those used at gas stations. CFD

has overseen and observed the repair, replacement, and upgrade of the Fast Stop, and has also engaged BUSTR to improve information sharing between the agencies. As for the West 8th and Pedretti Station, the operator's lackluster track record highlights the need for it to build trust and demonstrate it can operate the facility safely. CFD worked to ensure that BUSTR signed off on corrective actions and that upon resumption of operations the gas station's performance will be evaluated at fixed periods over the next 18 months prior to issuance of an unqualified operating permit.

Active BUSTR Environmental Actions on Underground Storage Tanks (USTs) in Hamilton County

May 2021



Legend

UST Environmental Actions

- No Further action (35)
- Closure process with BUSTR awaiting follow up data (83)
- Suspected release, remedial plans (26)
- Tier 1 investigations, delineations, notifications, or source investigations underway (59)
- Tier 2 or Tier 3 Evaluations (22)

■ River

Map Revised: 05/25/2021



Note:

1. Blue Ash and Cincinnati have primacy over issuing operating permits for storage and sale of gasoline. In all other Hamilton County jurisdictions, Bureau of Storage Tank Regulations (BUSTR) issues the operating permits for sale and storage of gasoline.
2. This information was provided by BUSTR and categorized by MSD.
3. BUSTR oversees compliance with petroleum underground storage tank regulations for corrective actions. BUSTR has a defined process which must be followed by station owners to address the corrective action, investigation and cleanup of incidents. See Ohio Admin. Code Chapter 1301:7-9.

UST Environmental Actions - Revised 05/25/2021 1:45:31PM