

Memorandum

Florida Department of Environmental Protection

ENFORCEMENT MEETING DOCUMENTATION

Attendees: See attached List

Location: NWD Pens DEP Office

Date: July 18, 2007

Time: 1:30 P.M.

Subject: Enforcement of alleged violations at McKenzie Tanks Lines Terminal on Tharpe Street Tallahassee

Meeting Requested By: FDEP

Meeting Objectives: To discuss enforcement action being taken by DEP.

Notes:

The meeting immediately followed an enforcement meeting on McKenzie Tank Line (MTL) facility in St Marks. Introductions, reason and structure of the meeting had already been covered in the previous discussions

Terry Wells, the DEP inspector, provided an overview of the inspection and resulting report. McKenzie Tank Line (MTL) representatives provided comment and additional information during the overview. MTL representatives were asked to review the inspection report and the alleged violations cited for any inaccuracies. All alleged violations were discussed and MTL provided additional information on; the DuPont Lacquer Thinner being used only in the painting area only for thinning and cleanup; the total quantity of used oil spilled on to the ground and not responded to was approx 55 gallons total; at least one 55-gallon drum containing a gas/diesel mixture had discharged to the ground in the area adjacent to the washing facilities; and Safety-Kleen had been providing pickup and transportation services for the facilities waste fluids. MTL representatives also provided waste determination paperwork for all wastes contained in drums and buckets noted in the inspection report. Copies of the blast media's HW determination and analysis records were provided. MTL provided disposal records for the used oil, waste gas and diesel fuel, and other fluids contained in the drums and containers throughout the facility. This information was taken into consideration when characterization of the alleged violations was discussed and agreed upon. MTK also provided information on source removal and confirmation sampling in the area of the releases noted in the inspection report. Mr. Wier if MTL and Julie Hardy of DEP discussed cleanup requirements and follow-on actions to be taken and reported upon.

Jim Byer explained that Florida DEP's delegated authority EPA's oversight. All alleged violations were explained and characterized. He further explained and identified the associated penalties derived from either the \$32,500 or the \$10,000 penalty matrix. The characterization of the first penalty for HW Determination was changed from moderate-moderate to minor-minor based on information provided by MTL's

determinations conducted after the inspection. The resulting total civil penalty proposed for the seven violations was \$17,500 with \$3,000 Department costs. MTL had no additional facts or information to consider in determination of the civil penalty.

Agreements/Conclusions Reached:

- MTL would correct all alleged violations and follow up inspection would be conducted to confirm compliance.
- MTL would complete cleanup actions in the area of the known release and provide a report to the Department for its source removal activities.
- DEP would propose a settlement in the form of a short form consent order, to be sent to MTL within 30 days of the follow-up inspection.
- The proposal would have a civil penalty of \$17,500 and Department costs of \$3,000.
- Payment of Department cost and civil penalty would be made within 60 days.



Prepared by: James Byer

