



Florida Department of Environmental Protection

Northwest District
160 Governmental Center, Suite 308
Pensacola, Florida 32502-5794

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

June 24, 2009

Sent via e-mail to:
joewier@mckenzie-tank.com

NON-COMPLIANCE LETTER

Mr. Joseph Wier
Environmental Coordinator
McKenzie Tank Lines, Inc.
Post Office Box 1200
Tallahassee, Florida 32302

Dear Mr. Wier:

This is to inform you of possible violations of law for which you may be responsible, and to seek your cooperation in resolving the matter. A field inspection by Department of Environmental Protection personnel on June 8, 2009 of the McKenzie Tank Lines facility located at 2778 West Tharpe Street, in Tallahassee, Florida, indicates that violations of the Resource Conservation and Recovery Act (RCRA) and Chapters 376 and 403, Florida Statutes and Rules may exist at the above-described facility. These possible violations are described in the "Summary of Potential Violations and Areas of Concern" section of the enclosed Inspection Report. (All Title 40 Code of Federal Regulations provisions have been adopted by reference in Florida Administrative Code, Chapter 62-730).

The activities observed during the Department's field inspection and any other activities at your facility that may be contributing to violations of the above-described statutes or rules may involve potential liability for civil penalties and should be ceased. Operation of a facility in violation of state statutes or rule may result in liability for damages and restoration as set forth in Section 403.727, Florida Statutes.

Please be informed that this letter is part of an agency investigation preliminary to agency action within the meaning of Section 120.57(5), F.S. We request that you review the Areas of Concern noted in the enclosed inspection report and respond in writing within 14 days of receipt of this Non-compliance Letter. The Department is interested in reviewing any facts you may have that will assist in determining whether any

McKenzie Tank Lines, Inc.

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violations have occurred. Your written response should either describe what you have done to address the Potential Violations and Areas of Concern of the report, or provide evidence to support a claim that the potential violations did not occur.

It is the Department's intention to allow you to document compliance or corrective actions. Your failure to respond promptly in writing may result in the initiation of formal enforcement proceedings. Follow-up inspections may be conducted to determine compliance with other Department rules and regulations.

We look forward to your cooperation in completing the investigation and resolution of this matter. If you have any questions, please contact Melissa Woehle at telephone (850) 595-8360, extension 1251 or by e-mail: Melissa.Woehle@dep.state.fl.us

Sincerely,

A handwritten signature in black ink, appearing to read "Michael S. Kennedy". The signature is fluid and cursive, with the first name "Michael" being the most prominent.

Michael S. Kennedy, P.G.
Waste Program Administrator

MSK/mwr

Enclosure: Hazardous Waste Inspection Report

c: Donald Alford, dalford@mckenzietank.com



Florida Department of
Environmental Protection
Hazardous Waste Inspection Report

FACILITY INFORMATION:

Facility Name: McKenzie Tank Lines Inc

On-Site Inspection Start Date: 06/08/2009

On-Site Inspection End Date: 06/08/2009

ME ID#: 16716

EPA ID#: FLD980848758

Facility Street Address: 2778 W Tharpe St, Tallahassee, Florida 32303-8614

Contact Mailing Address: Po Box 1200, Tallahassee, Florida 32303-0000

County Name: Leon

Contact Phone: (850) 576-1221

NOTIFIED AS:

SQG (100-1000 kg/month)

Transporter

Used Oil

INSPECTION TYPE:

Routine Inspection for CESQG (<100 kg/month) facility

Routine Inspection for Used Oil Generator facility

INSPECTION PARTICIPANTS:

Principal Inspector: Melissa D Woehle, Environmental Specialist

Other Participants: Joseph Wier, Environmental Mgr; Donald Alford, Site Mgr

LATITUDE / LONGITUDE: Lat 30° 27' 59.908" / Long 84° 20' 44.8347"

SIC CODE: 4231 - Trans. & utilities - trucking terminal facilities

TYPE OF OWNERSHIP: Private

Introduction:

McKenzie Tank Lines, Inc. (MTL), located at 2778 West Tharpe Street, Tallahassee, FL (MTL), initially notified the Department as generator and transporter of hazardous waste in 1984. Subsequent notification was made in 1990 indicating that MTL was a small quantity generator of hazardous waste (SQG). MTL was last inspected for compliance with state and federal used oil and hazardous waste regulations on August 15, 2007 with no violations cited. This inspection was conducted to confirm corrective actions taken to address violations discovered during the joint EPA / FDEP inspection of February 28, 2007. A consent order was executed and all violations corrected. The case was closed on August 6, 2008.

MTL is involved in on-going groundwater remediation at this location. The Department's contact for this cleanup action is Ms. Julie Hardy, Northwest District Cleanup Section Project Manager.

Process Description:

MTL employs approximately 17 people at this location in preventative maintenance and major repairs for tanker trucks and tractor trailers including those owned by MTL and outside companies. Procedures performed include interior and exterior truck washing, machining, fabrication, painting, mechanical, and electrical work. Used oil and spent parts washing solvent (FP 141) are burned in Four "Blackgold" heaters, located on-site. The heaters have 205-gallon tanks built into them to hold the fuel. The heater fuel tanks are labeled "USED OIL." MTL has discontinued the use of all chlorinated solvents including aerosols. There were no chlorinated solvents observed during this inspection. Rags are laundered by Cintas. Batteries are picked up for core exchange.

Inspection Date: 06/08/2009

A. Tanker Shop / Machine Shop:

These two areas are located at opposite ends of the same building. MTL maintains and repairs tanker trucks in this area.

B. Brake Shop & Electrical Shop:

Aerosol cans are collected throughout the facility and punctured in this area. The punctured cans are managed as scrap metal. An employee in the area said that approximately three cases of cans are punctured per week.

New Potential Violations and Areas of Concern:**Checklist Independent Potential Violations and Areas of Concern**

Type: Violation

Rule: 261.5

Explanation: The residues and gases generated when the cans are punctured are not being collected. They are released into the environment. The residue and gases may be listed or characteristic hazardous waste.

Corrective Action: MTL needs to use an aerosol can puncturing device designed to collect the residue and filter the gas released when the cans are punctured unless a hazardous waste determination is made for each type of aerosol can punctured to demonstrate that the residue / gas released is not regulated hazardous waste. The filter on this device will need to be replaced according to the manufacturer's recommendations and records of maintenance maintained on-site. The collected residue will need to be managed as hazardous waste.

Attachments:

Aerosol Can Puncturing Device

**C. Tractor Trailer Repair Shop:**

MTL performs preventative maintenance and general repairs for tractor trailers in this area.

D. Paint Booth:

There was no paint waste being accumulated on-site at the time of this inspection.

Inspection Date: 06/08/2009

E. Wash Rack:

Tankers and tractor trailers are washed on a covered concrete pad that drains into a wastewater pre-treatment tank prior to maintenance/repair. Heels are removed including diesel fuel, kerosene, and gasoline prior to interior washing. The heels are pumped into 55-gallon drums that are staged in this area. Diesel fuel and kerosene are burned in the "Blackgold " heaters. Gasoline heels are used in company vehicles. All cleaning chemicals and washwater are collected in a tank and pH adjusted before being released to City of Tallahassee Wastewater Treatment.

F. Records:

Records for having paint related hazardous waste picked up are maintained on-site in the office of Donald Alford. Records reviewed during this inspection indicate that MTL has approximately 55-gallons of paint related hazardous waste picked up every 90 days by Safety Kleen (TXR000050930) and delivered to Safety Kleen (KYD053348108). MTL is a conditionally exempt small quantity generator of hazardous waste (less than 220 lbs per month).

Summary of Potential Violations and Areas of Concern:Potential Violations

Rule Number	Area	Date Cited	Explanation
Checklist Independent Violations			
261.5	B. Brake Shop & Electrical Shop	06/08/2009	The residues and gases generated when the cans are punctured are not being collected. They are released into the environment. The residue and gases may be listed or characteristic hazardous waste.

Areas of Concern

No Areas of Concern

Conclusion:

MTL needs to address the potential violation above and respond in writing as described in the cover letter.

Recommend that MTL label all containers used to collect heels removed from tankers so that employees and emergency response workers can identify the contents.

No other issues regarding state and federal hazardous waste and used oil regulations were observed during this inspection.

Inspection Date: 06/08/2009

Signed:

A hazardous waste compliance inspection was conducted on this date, to determine your facility's compliance with applicable portions of Chapters 403 & 376, F.S., and Chapters 62-710, 62-730, 62-737, & 62-740 Florida Administrative Code (F.A.C.). Portions of the United States Environmental Protection Agency's Title 40 Code of Federal Regulations (C.F.R.) 260 - 279 have been adopted by reference in the state rules under Chapters 62-730 and 62-710, F.A.C. The above noted potential items of non-compliance were identified by the inspector(s).

This is not a formal enforcement action and may not be a complete listing of all items of non-compliance discovered during the inspection.

Melissa D Woehle	Environmental Specialist
PRINCIPAL INSPECTOR NAME	PRINCIPAL INSPECTOR TITLE

<i>Melissa Woehle</i>	FDEP	6/11/2009
PRINCIPAL INSPECTOR SIGNATURE	ORGANIZATION	DATE

Joseph Wier	Environmental Mgr
REPRESENTATIVE NAME	REPRESENTATIVE TITLE

NO SIGNATURE	McKenzie Tank Lines
REPRESENTATIVE SIGNATURE	ORGANIZATION

Donald Alford	Site Mgr
REPRESENTATIVE NAME	REPRESENTATIVE TITLE

NO SIGNATURE	McKenzie Tank Lines
REPRESENTATIVE SIGNATURE	ORGANIZATION

NOTE: By signing this document, the Site Representative only acknowledges receipt of this Inspection Report and is not admitting to the accuracy of any of the items identified by the Department as "Potential Violations" or areas of concern.