



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

February 25, 2010

**CERTIFIED, RETURN
RECEIPT REQUESTED**

Mr. Joe Wier
McKenzie Tank Lines, Inc.
Post Office Box 1200
Tallahassee, Florida 32302

Subject: Site Rehabilitation Completion Order (SRCO)
McKenzie Tank Lines West Drum Accumulation Area
2778 West Tharpe Street
Tallahassee, Leon County, Florida
FDEP Facility ID# FLD980848758
Discharge Date: February 28, 2007 (USEPA/FDEP HW inspection date)

Dear Mr. Wier:

The Northwest District has reviewed the September 17, 2007 Site Cleanup Report, October 11, 2007 Groundwater Sampling for Drum Removal Closure Report, May 20, 2008 Response to Comments Report, and the October 22, 2008 Response to Comments and No Further Action Proposal (NFAP) Report prepared by Geovac Environmental Services Inc., for the McKenzie Tank Lines West Drum Accumulation Area site located at 2778 West Tharpe Street, Tallahassee, Florida. Maps showing the location of the McKenzie Tank Lines Facility and the former location of the "contaminated site" for which this Order is being issued are attached as Exhibits 1, 2 and 3 are incorporated by reference herein.

The contamination, which resulted from a discharge that was discovered at the drum accumulation area on February 28, 2007, consisted of barium, chromium, and total recoverable petroleum hydrocarbons. The discharge resulted from improper storage of 55-gallon drums at the site. The NFAP is supported by earlier submittals, prepared pursuant to Chapter 62-780, Florida Administrative Code (F.A.C.) including, but not limited to:

Site Cleanup Report, dated September 17, 2007 (received September 19, 2007);
Groundwater Sampling for Drum Removal Closure Report, dated October 11,
2007 (received October 15, 2007); and
Response to Comments Report, dated May 20, 2008 (received May 27, 2008).

Based on the documentation submitted with the NFAP and the above-referenced documents, the Department has reasonable assurance that Mr. Joe Weir has met the criteria in Chapter 62-780, F.A.C. The submittals indicate that soil and groundwater contaminant concentrations are below the applicable Soil Cleanup Target Levels and Maximum Concentration Limits or Groundwater Cleanup Target Levels as adopted in Chapter 62-777, F.A.C. (Effective date April 17, 2005.) Therefore, you have satisfied the site rehabilitation requirements for the above-referenced contaminated site and are released from any further obligation to conduct site rehabilitation at the contaminated site, except as set forth below. See enclosed table (Exhibit 3), incorporated by reference herein, which includes information regarding the contaminants, affected media, and applicable cleanup target levels for the contaminated site that is the subject of this Order.

Further, in accordance with Chapter 376.30701(4), Florida Statutes (F.S.), upon completion of site rehabilitation, additional site rehabilitation is not required unless it is demonstrated that:

- (a) Fraud was committed in demonstrating site conditions or completion of site rehabilitation;
- (b) New information confirms the existence of an area of previously unknown contamination which exceeds the site-specific rehabilitation levels established in accordance with Section 376.30701(2), F.S., or which otherwise poses the threat of real and substantial harm to public health, safety, or the environment;
- (c) A new discharge of pollutants or hazardous substances occurs at the site subsequent to the issuance of this Order.

Legal Issues

The Department's Order shall become final unless a timely petition for an administrative hearing is filed under sections 120.569 and 120.57, F.S., within **21** days of receipt of this Order. The procedures for petitioning for a hearing are set forth below.

Persons affected by this Order have the following options:

- A. If you choose to accept the Department's decision regarding this SRCO, you do not have to do anything. This Order is final and effective on the date filed with the Clerk of the Department, which is indicated on the last page of this Order.
- B. If you choose to challenge the decision, you may do the following:
 - 1. File a request for an extension of time to file a petition for hearing with the Department's Agency Clerk in the Office of General Counsel within **21** days of receipt of this Order. Such a request should be made if you wish to meet with the Department in an attempt to informally resolve any disputes without first filing a petition for hearing; or
 - 2. File a petition for administrative hearing with the Department's Agency Clerk in the Office of General Counsel within **21** days of receipt of this Order.

Please be advised that mediation of this decision pursuant to section 120.573, F.S., is not available.

How to Request an Extension of Time to File a Petition for Hearing

For good cause shown, pursuant to Rule 62-110.106(4), F.A.C., the Department may grant a request for an extension of time to file a petition for hearing. Such a request must be filed (received) by the Agency Clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000, within **21** days of receipt of this Order. Petitioner, if different from Mr. Joe Weir, shall mail a copy of the request to Mr. Joe Weir at the time of filing. Timely filing a request for an extension of time tolls the time period within which a petition for administrative hearing must be made.

How to File a Petition for Administrative Hearing

A person whose substantial interests are affected by this Order may petition for an administrative hearing under sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) by the Agency Clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida, 32399-3000, within **21** days of receipt of this Order. Petitioner, if different from Mr. Joe Wier, shall mail a copy of the petition to Mr. Joe Wier at the time of filing. Failure to file a petition within this time period shall

waive the right of anyone who may request an administrative hearing under sections 120.569 and 120.57, F.S.

Pursuant to subsection 120.569(2), F.S., and Rule 28-106.201, F.A.C., a petition for administrative hearing shall contain the following information:

- a) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any; the site owner's name and address, if different from the petitioner; the DEP facility number; and the name and address of the facility;
- b) A statement of when and how each petitioner received notice of the Department's action or proposed action;
- c) An explanation of how each petitioner's substantial interests are or will be affected by the Department's action or proposed action;
- d) A statement of the disputed issues of material fact, or a statement that there are no disputed facts;
- e) A statement of the ultimate facts alleged, including a statement of the specific facts the petitioner contends warrant reversal or modification of the Department's action or proposed action;
- f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the Department's action or proposed action; and
- g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Department's action or proposed action.

This Order is final and effective on the date filed with the Clerk of the Department, which is indicated on the last page of this Order. Timely filing a petition for administrative hearing postpones the date this Order takes effect until the Department issues either a final order pursuant to an administrative hearing or an Order Responding to Supplemental Information provided to the Department pursuant to meetings with the Department.

Judicial Review

Any party to this Order has the right to seek judicial review of it under section 120.68, F.S., by filing a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Agency Clerk of the Department in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this order is filed with the clerk of the Department (see below).

Mr. Joe Wier
McKenzie Tank Lines
West Drum Accumulation Area
Unconditional SRCO
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Any questions regarding the Department's review of your NFA Proposal should be directed to Julie Ann Hardy at FDEP Northwest District, 160 Governmental Center, Suite 308, Pensacola, Florida, 32502, and/or Julie.hardy@dep.state.fl.us. Questions regarding legal issues should be referred to the Department's Office of General Counsel at (850)245-2242. Contact with any of the above does not constitute a petition for administrative hearing or request for an extension of time to file a petition for administrative hearing.

Sincerely,



Kenneth W. Prest, Jr.
District Director

Enclosures: Exhibits 1, 2, and 3

KWP/mcb

FILED, on this date, pursuant to §120.52
Florida Statutes, with the designated
Department Clerk, receipt of which is
hereby acknowledged.



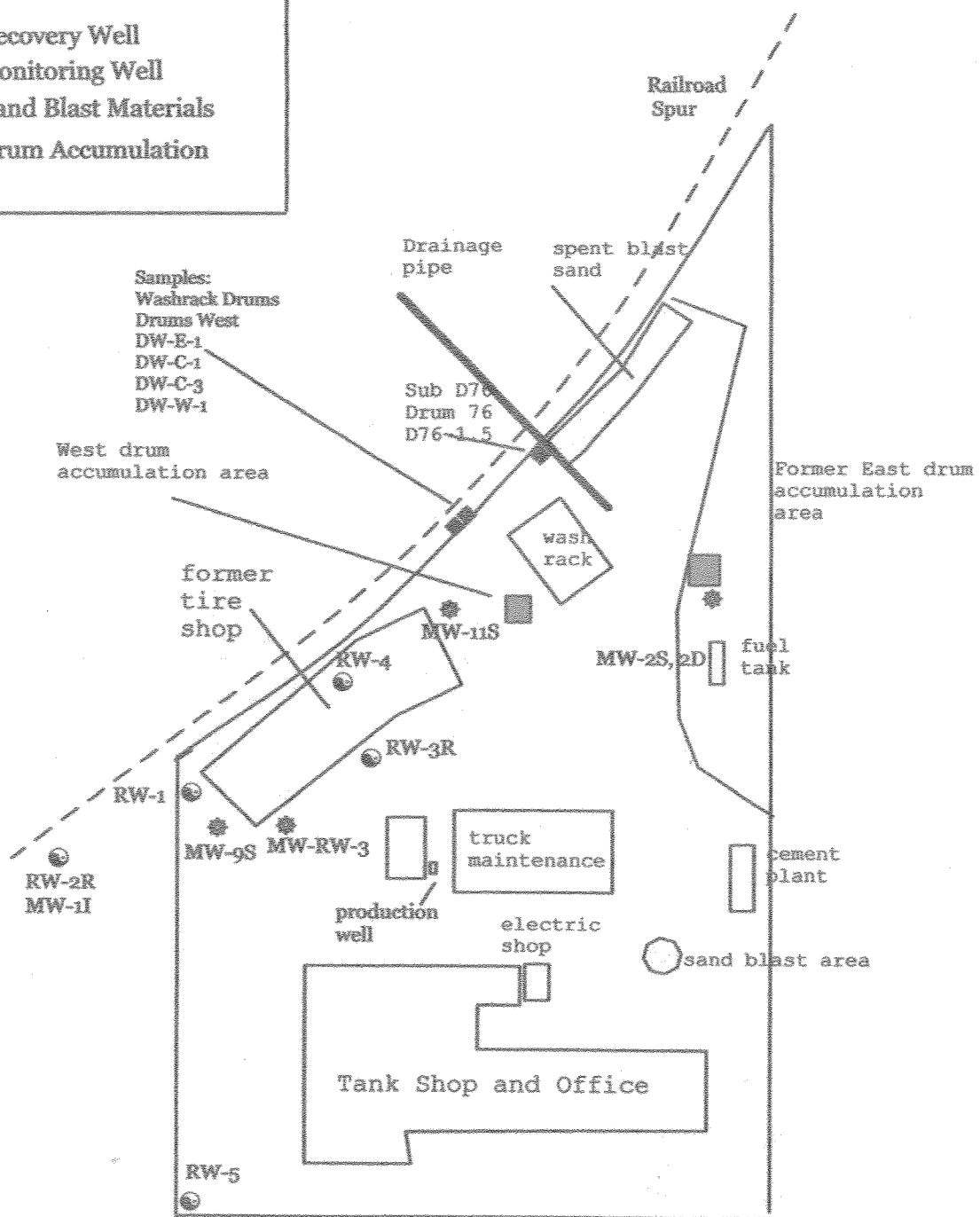
Clerk

February 25, 2010

Date

LEGEND

- Recovery Well
- ⊛ Monitoring Well
- Sand Blast Materials
- Drum Accumulation

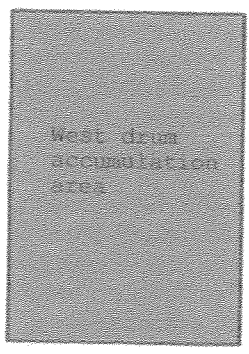
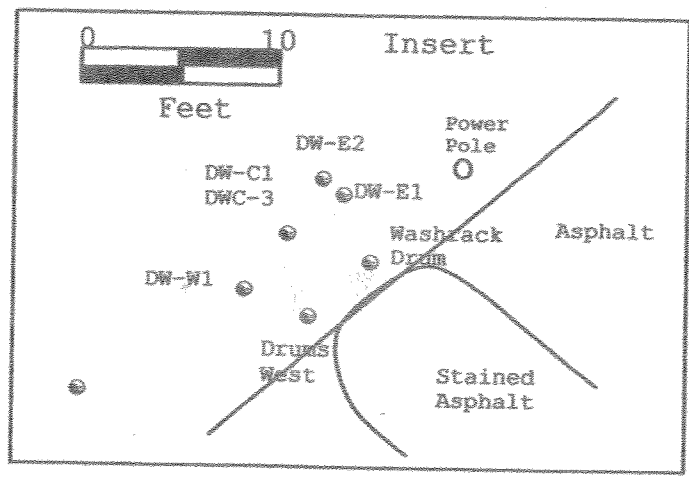
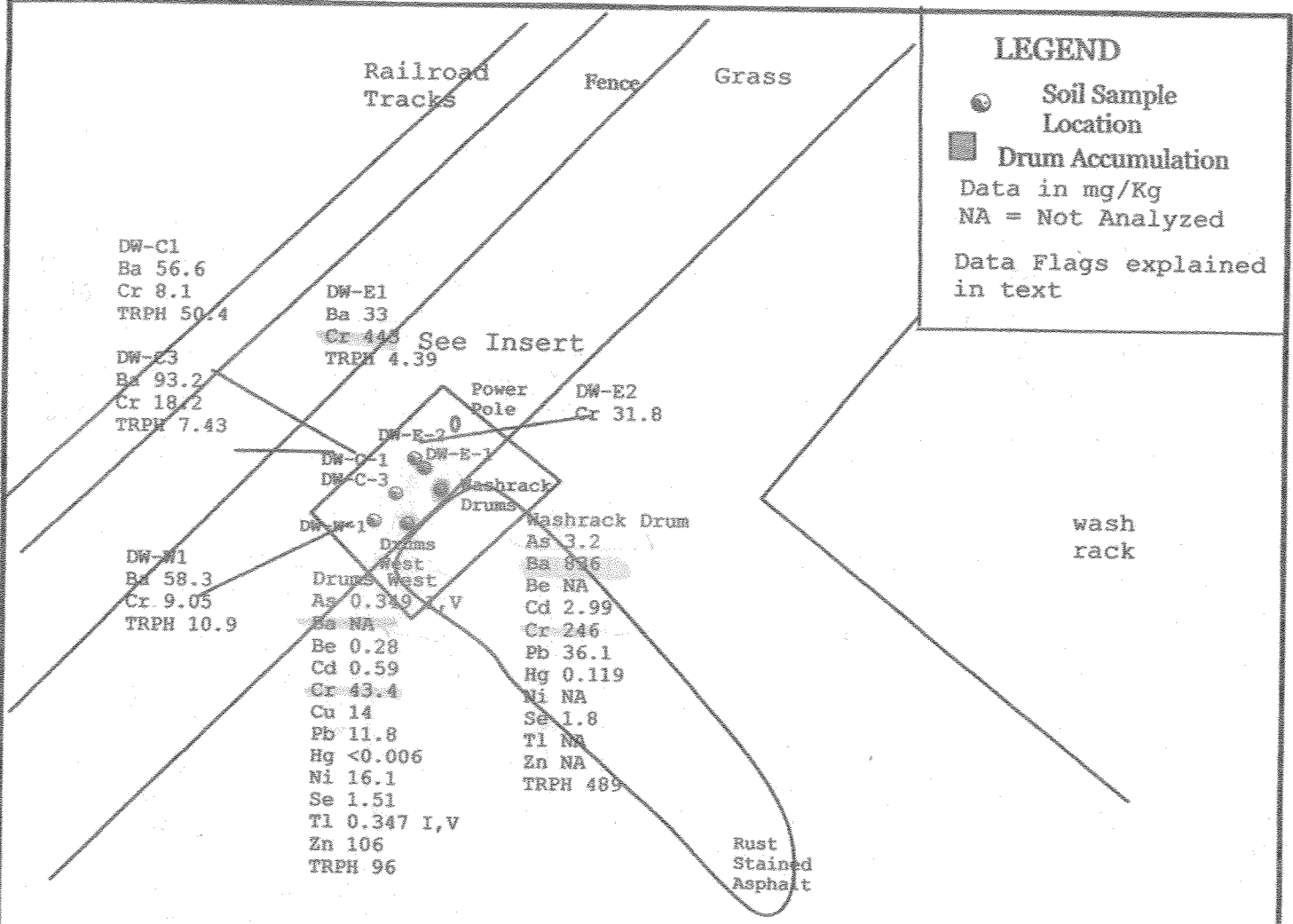


Tharpe Street

Geovac
Environmental Services



Figure 1:
Terminal Services Co.
2778 W. Tharpe St.



Asphalt

West Drum Soil Sampling Locations

volatile organics: only I-Flagged data
semi-volatile organics: only I-Flagged data

**Geovac
Environmental Services**



**Figure 2:
Terminal Services Co.
2778 W. Tharpe St.**

Summary of West Drum Soil Analytical Results Above Laboratory Detection Limits

PARAMETER	UNITS	8/7/07	1/31/08	4/22/08	4/22/08	4/22/08	4/22/08	6/30/08
		Washrack Drum	Drums West	DW-E-1	DW-C-1	DW-C-3	DW-W-1	DW-E2
1,2,4-Trichlorobenzene	mg/kg dry	0.0003 I	<0.0010	NA	NA	NA	NA	NA
Acetone	mg/kg dry	0.0067 V	<0.0098	NA	NA	NA	NA	NA
Benzene	mg/kg dry	0.0003 I	<0.00009	NA	NA	NA	NA	NA
Carbon Disulfide	mg/kg dry	0.001 I	<0.0044	NA	NA	NA	NA	NA
m,p-Xylenes	mg/kg dry	0.0001 I	<0.0019	NA	NA	NA	NA	NA
Styrene	mg/kg dry	0.0003 I	<0.0009	NA	NA	NA	NA	NA
Toluene	mg/kg dry	0.0006 I	<0.0010	NA	NA	NA	NA	NA
Benzo(b)fluoranthene	mg/kg dry	<7.3	0.24 I	NA	NA	NA	NA	NA
Benzo(g,h,i)perylene	mg/kg dry	<9.2	0.27 I	NA	NA	NA	NA	NA
Chrysene	mg/kg dry	<9	0.17 I	NA	NA	NA	NA	NA
Fluoranthene	mg/kg dry	<9.3	0.21 I	NA	NA	NA	NA	NA
Indeno(1,2,3-cd)pyrene	mg/kg dry	<13	0.27 I	NA	NA	NA	NA	NA
Pyrene	mg/kg dry	<9.7	0.22 I	NA	NA	NA	NA	NA
Antimony	mg/kg dry	NA	<0.281	NA	NA	NA	NA	NA
Arsenic	mg/kg dry	3.2	0.349 IV	NA	NA	NA	NA	NA
Barium	mg/kg dry	836	NA	33	56.6	93.2	58.3	NA
Beryllium	mg/kg dry	NA	0.28	NA	NA	NA	NA	NA
Cadmium	mg/kg dry	2.99	0.549	NA	NA	NA	NA	NA
Chromium	mg/kg dry	246	43.4	443	8.1	18.2	9.05	31.8
Copper	mg/kg dry	NA	14	NA	NA	NA	NA	NA
Lead	mg/kg dry	36.1	11.8	NA	NA	NA	NA	NA
Mercury	mg/kg dry	0.119	<0.006	NA	NA	NA	NA	NA
Nickel	mg/kg dry	NA	16.1	NA	NA	NA	NA	NA
Selenium	mg/kg dry	1.8	1.51	NA	NA	NA	NA	NA
Thallium	mg/kg dry	NA	0.347 IV	NA	NA	NA	NA	NA
Zinc	mg/kg dry	NA	106	NA	NA	NA	NA	NA
TRPH	mg/kg dry	489	96	43.9	50.4	7.43	10.9	NA