



Florida Department of Environmental Protection

Northwest District
160 W. Government Street, Suite 308
Pensacola, Florida 32502-57404

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

October 31, 2011

**CERTIFIED, RETURN
RECEIPT REQUESTED**
Certified Receipt No.: 7011 0470 0001 5769 6668

**NON-COMPLIANCE
LETTER**

Mr. Joseph Weir
McKenzie Tank Lines
Post Office Box 1200
Tallahassee, Florida 32303

Dear Mr. Weir:

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 August 29, 2011 and October 25, 2011, of McKenzie Tank Lines, Inc. located at 2778 West Tharpe Street, in Leon County, Florida, indicates that violations of the Resource Conservation and Recovery Act 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 (F.S.).

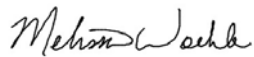
Please be informed that this letter is part of an agency investigation preliminary to agency action within the meaning of Section 120.57(5), F.S. We request that you review the Potential Violations and Areas of Concern noted in the enclosed inspection report and respond in writing within 21 days of receipt of this Non-compliance Letter. The Department is interested in reviewing any facts you may have that will assist in determining whether any 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.

McKenzie Tank Lines
West Tharpe Street Facility
October 31, 2011
Page two

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 Aaron Mitchell at telephone 850-595-0621 or e-mail at Aaron.Mitchell@dep.state.fl.us.

Sincerely,



for
Jim Byer
Hazardous Waste Supervisor

JCB/amr

Enclosure: Hazardous Waste Inspection Report



**Florida Department of
Environmental Protection
Hazardous Waste Inspection Report**

FACILITY INFORMATION:

Facility Name: McKenzie Tank Lines Inc

On-Site Inspection Start Date: 08/29/2011

On-Site Inspection End Date: 08/29/2011

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 facility

Routine Inspection for Hazardous Waste Transporter facility

INSPECTION PARTICIPANTS:

Principal Inspector: Aaron Mitchell, Inspector

Other Participants: Nicole McDonald, Inspector; Joseph Weir, Environmental Manager; Caroline Horton, Inspector

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. A routine inspection of the site was conducted on August 29, 2011 and concluded on October 25, 2011. MTL conducts general automotive fleet repairs and was last inspected as a conditionally exempt small quantity generator on June 08, 2009. The facility has an ongoing groundwater remediation activity at this location. Mr. Alford, James Skipper, and Daniel Wheeler facilitated the inspection.

Process Description:

MTL performs 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: 08/29/2011

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. No violations were observed in this area. There were five 55-gallon drums total of used oil being stored for future use in the used oil burners located in these areas of the facility. The drums were not properly labeled or in secondary containment.

Attachments:

Used Oil drums



Used Oil Burner

**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. The filter connected to the drum was in good condition. There was another used oil burner located in this area that had two 55-gallon drums of used oil that were stored here for future use during the winter for heating. The drums were not properly labeled or in secondary containment.

Attachments:

Aerosol can puncturer



Pre-puncture cans

**C. Tractor Trailer Repair Shop:**

MTL performs preventative maintenance and general repairs for tractor trailers in this area. There were seven 55-gallon drums of used oil being stored near the Black Gold used oil burners for future use as a heating source. The drums were not labeled, closed, or stored in secondary containment. Three 55-gallon drums of used oil filters were stored here also but were not labeled. There were also several used oil transfer containers that were not labeled.

Attachments:

Inspection Date: 08/29/2011

Used Oil Drums & Used Oil Filters**Used Oil Drums****New Potential Violations and Areas of Concern:****Checklist Independent Potential Violations and Areas of Concern**

Type:	Violation
Rule:	62-710.850(5)(a)
Explanation:	MTL had three 55-gallon drums of used oil filters that were not labeled.
Corrective Action:	MTL needs to ensure that all containers used to store used oil filters are properly labeled with the words "Used Oil Filters".

D. Paint Booth:

There was a 30-gallon drum of paint-related waste located in this area at the time of the inspection. The drum was properly closed labeled and in good condition.

Attachments:**Hazardous Waste****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.

Inspection Date: 08/29/2011

Attachments:**Wash Rack****Wash Rack containers****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 generates approximately 83 lbs of hazardous waste a month. The wastes are transported by Safety Kleen Systems (TXR000050930), and Robbie D. Woods (ALD067138891) and delivered to Safety Kleen Systems (KYD053348108). MTL is a conditionally exempt small quantity generator of hazardous waste (less than 220 lbs per month). Safety Kleen Systems also transports the facility's used oil and used oil filters. Used batteries are taken by Fleet Pride and used rags are laundered by Cintas. Envirolight, Inc. transports the facility's used mercury lamps.

On October 25, 2011 hazardous waste transporter records and paperwork for CY 2010 and 2011 were reviewed by Nicole McDonald (FDEP), James Skipper and Daniel Wheeler (McKenzie Tank Lines) with only one minor deficiency noted. Column #11 on several of the manifest had faint and unreadable "Total Quantities". Mr. Skipper stated he would ensure that Column #11 would be readable.

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

Type:	Violation
Rule:	62-710.401(6)
Explanation:	There were seven 55-gallon drums of used oil located in the Tractor Trailer and Repair shop, five 55-gallon drums of used oil in the Tanker/Machine Shop and two drums in the Brake Shop & Electrical Shop that did not have secondary containment. None of the drums were labeled with the words "Used Oil."
Corrective Action:	MTL needs to ensure that all containers used to store used oil are properly labeled and in proper secondary containment capable of holding at least 110% of the volume of the largest container.

Summary of Potential Violations and Areas of Concern:Potential Violations

Rule Number	Area	Date Cited	Explanation
Checklist Independent Violations			
62-710.850(5)(a)	C. Tractor Trailer Repair Shop	08/29/2011	MTL had three 55-gallon drums of used oil filters that were not labeled.

Inspection Date: 08/29/2011

Rule Number	Area	Date Cited	Explanation
62-710.401(6)		08/29/2011	There were seven 55-gallon drums of used oil located in the Tractor Trailer and Repair shop, five 55-gallon drums of used oil in the Tanker/Machine Shop and two drums in the Brake Shop & Electrical Shop that did not have secondary containment. None of the drums were labeled with the words "Used Oil."

Areas of Concern

No Areas of Concern

Inspection Date: 08/29/2011

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.

Aaron Mitchell

PRINCIPAL INSPECTOR NAME

Inspector

PRINCIPAL INSPECTOR TITLE**PRINCIPAL INSPECTOR SIGNATURE**

FDEP

ORGANIZATION

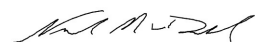
10/28/2011

DATE

Nicole McDonald

INSPECTOR NAME

Inspector

INSPECTOR TITLE**INSPECTOR SIGNATURE**

FDEP

ORGANIZATION

10/28/2011

DATE

Caroline Horton

INSPECTOR NAME

Inspector

INSPECTOR TITLE

NO SIGNATURE

INSPECTOR SIGNATURE

FDEP

ORGANIZATION

Joseph Weir

REPRESENTATIVE NAME

Environmental Manager

REPRESENTATIVE TITLE

NO SIGNATURE

REPRESENTATIVE SIGNATURE

McKenzie Tank Lines

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.