

Memorandum

Florida Department of Environmental Protection

ENFORCEMENT MEETING DOCUMENTATION

Attendees: See attached List

Location: NWD Pens DEP Office **Date:** July 18,2007 **Time:** 1:00 P.M.

Subject: Enforcement of alleged violations at McKenzie Tanks Lines Terminal of St Marks

Meeting Requested By: FDEP

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

Notes:

The meeting was opened with introductions of the participants. Jim Byer provided an explanation of the two phases of the meeting, first to discuss contents of the inspection report for accuracy and provide an opportunity to provide additional information or any circumstances regarding the case. Second is to discuss the proposed resolution to the issues determined and the possibility of a voluntary mutual agreement. He also provided background information on why both EPA and DEP inspectors had participated in the inspection. It was also noted that USEPA's inspection report had not yet been signed for release. However, it would be sent to the facility in the near future and no additional action by the facility was required in response to EPA report.

Terry Wells, the DEP inspector, provided an overview of the inspection and resulting report. McKenzie Tank Line (MTL) representatives provide comment and additional information during the overview. MTL representatives were asked to review the inspection report and the alleged violations cited for any inaccuracies. Both alleged violations were discussed and MTL provided additional information on the floor construction of the Wash Rack Area. This area would be able to contain any spilled oil as it is sloped to the center of the building and drained to an oil-water separator prior to leaving the building. This information was taken into consideration when characterization of the alleged violations was discussed and agreed upon.

Jim Byer explained that Florida DEP has EPA-delegated authority to enforce the Resource Conservation and Recovery Act program which include both the hazardous waste and used oil program regulations. He mentioned that EPA oversees the program and has provided DEP with compliance and enforcement guidance and then explained the characterization process and the application to each of the two remaining alleged violations. He further explained and identified the associated penalties derived from the \$10,000 penalty matrix. The penalty for the two violations was \$3,100 with \$250 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.
- 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 \$3,100 and Department costs of \$250.
- Payment of Department cost and civil penalty would be made within 60 days.



Prepared by: James Byer

