



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

SITE: BCX Tank
BREAK: 2.1
OTHER: v.3

August 5, 2004

4WD-ERRB

Mr. Gregg Lee, Environmental Administrator
Division of Law Enforcement, Bureau of Emergency Response
Florida Department of Environmental Protection
3917 Commonwealth Blvd., Mail Stop 659
Tallahassee, FL 32399

**Subject: Request for Identification of State ARARs
BCX Tank Site
Jacksonville, Duval Co., Florida
EPA ID: FLD982109761**

Dear Mr. Lee:

The Superfund removal program of the Environmental Protection Agency (EPA) is preparing for a removal action at the BCX Tank Site located in Jacksonville, Duval County, Florida. To perform this action, EPA will attempt to comply to the extent practicable with all Applicable or Relevant and Appropriate Requirements (ARARs) of State environmental and facility siting laws. This letter is a request to the State of Florida for notification to the EPA On-Scene Coordinator (OSC) of any State statutes or regulations that the State believes are potential ARARs for the removal site. This letter contains information on site conditions and proposed actions to assist you in identifying ARARs. I have been selected as the OSC for this site.

EPA requests that a State official notify EPA of any potential State ARARs. The type of ARARs which will be considered fall into the following three categories: chemical-, location-, and action-specific requirements. Chemical-specific requirements are health-, technology-, or risk-based numeric values that establish the acceptable amount or concentration of a chemical that may be found in, or discharged to, the ambient environment. Location-specific requirements are restrictions placed on the concentration of hazardous substances or the conduct of activities solely because they occur in special locations. For example, the requirement that hazardous waste storage facilities located within the 100-year flood plain must be designed, constructed, operated, and maintained to avoid washout is considered a location-specific requirement. Action-specific requirements are technology- or activity-based requirements or limitations on actions taken with respect to hazardous waste.



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From 1987 until 2001 International Processing Specialists, Inc. (IPS) and then BCX, Inc. operated a used oil and waste water processing facility at the Site. In 1991, IPS began used oil processing. In September of 1995 an explosion at its 630,000 gallons used oil storage tank caused the death of one of IPS's employees. As a result of the explosion, the Florida Department of Environmental Protection conducted an inspection of the facility. In May of 1996, FDEP entered into a Consent Order with IPS that required IPS to upgrade its facility and allow it to continue to operate the used oil processing facility until it completed a permit application

FDEP issued a permit in 1997 to IPS to operate as a used oil processing facility. After sending several letters to the facility regarding non-compliance, in 1999 FDEP issued an Intent to Deny IPS's permit modification request, to accept and process Petroleum Contact Water at the IPS facility. In May of 2000, FDEP filed a Civil Complaint to compel compliance, prohibit receipt of used oil or wastewater by the facility, revoke the permit, and collect penalties. In May of 2002, FDEP issued a Final Order to revoke IPS's Used Oil Processor permit.

Between 2001 and June of 2004, FDEP and the City of Jacksonville have attempted to force IPS and BCX to remove waste and close the facility. In 2001, the facility removed equipment, containers and associated piping in a process area and demolished the process building. To date, no other clean-up has taken place. The facility is not known to have received waste since 2001. In June of 2004, an inspector with the City of Jacksonville's Tanks Program discovered an accumulation of wastewater in the secondary containment area and that a crack in the containment wall was allowing waste to leak to the environment. FDEP confirmed the City's findings and contacted BCX. No action was taken by BCX. BCX had insufficient funds to address problems at the Site and comply with the requirements of FDEP. On June 11, 2004, the City of Jacksonville obtained an emergency Temporary Injunction ordering BCX and IPS to undertake clean-up actions. BCX informed the City that insufficient funds were available.

On June 21, 2004, at the request of FDEP, OSC Terry Stilman, conducted a removal site assessment at the BCX facility. Based on the continuing release and threat of release, OSC Stilman initiated an emergency action. EPA's Emergency Response and Removal Services contractor, WRS, arrived on-scene to assist with stabilization of the secondary containment wall. FDEP and the City of Jacksonville began regular patrols of the facility. On June 28, 2004 EPA, the USCG Strike Team and WRS pumped approximately 100,000 gallons of waste water into temporary tanks staged adjacent to the facility. This relieved pressure on the secondary containment walls and reduced the amount of waste water leaking through cracks in the wall. Sampling of the tanks was also conducted.

Analytical results indicated the presence of benzene, tetrachloroethene and naphthalene as well as other contaminants in high levels in the waste water and sludge in the tanks and secondary containment. Approximately 2 million gallons of waste water and sludge are on-site.

EPA is planning to conduct a fund financed time-critical removal action at the Site. EPA's proposed actions include the following: removal and disposal of contaminated waste water and sludges from the tanks and removal of contaminated soils associated with past leaks

from the tanks. In order to adequately consider and comply with any ARARs specified by the State of Florida, EPA would appreciate a timely response (within 7 days if possible) to this request so that the requirements may be considered while scoping the removal action. Exact references or citations to the statutes or regulations, or copies of pertinent provisions of State requirements, will greatly facilitate our ability to evaluate these requirements as ARARs for the site.

EPA will examine these requirements and determine whether they are applicable or relevant and appropriate to the Site. Pursuant to 40 CFR 300.415(j), fund-financed removal actions shall, to the extent practicable considering the exigencies of the situation, attain ARARs under federal environmental or state environmental or facility siting laws. It is important to clarify, however, that some requirements identified by the State may be determined not to be ARARs, may be determined to be impracticable to meet, or may qualify for a waiver. Please call me at (404) 562-8748, if additional information on the Site is needed for the purpose of completing the ARARs review.

Thank you for your assistance on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Terry Stillman', written in a cursive style.

Terry Stillman
On-Scene Coordinator
Emergency Response and Removal Branch

cc: Shane Hitchcock, ERRB
Winston A. Smith, Waste