



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

SITE: BCX Facility
BREAK: 11.1
OTHER: v. 10

URGENT LEGAL MATTER
PROMPT REPLY NECESSARY
SENT BY FACSIMILE AND BY CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Ferrell F. Carden
Managing Member
Seven Out, LLC
1859 East Adams Street
Jacksonville, FL 32202

SUBJECT: .BCX Corp. Site
1903 East Adams Street
Jacksonville, Duval County, Florida

Dear Mr. Carden:

As you and I discussed over the phone both today and yesterday afternoon, the United States Environmental Protection Agency ("EPA") is investigating the release or threat of release of hazardous substances, pollutants, or contaminants at the BCX Corp. Site located at 1903 East Adams Street in Jacksonville, Duval County, Florida ("Site"). Pursuant to EPA's mandate to protect human health and the environment, EPA requests that Seven Out, LLC, as owner of the Site, grant access to the Site to EPA for the purpose of conducting a time-critical removal action. Access to the Site is necessary to transport equipment and authorized personnel to and from the Site and to perform removal activities, which are more specifically outlined in the enclosed Access Authorization.

EPA requests that Seven Out, LLC grant access to the Site to EPA beginning immediately and remaining in effect for the duration of the data sampling and removal activities. Please indicate consent to grant access to EPA to conduct the described activities at the Site by signing and dating the enclosed Access Authorization and returning it to me as soon as possible. You may send a copy by fax (404-562-9676) or by overnight mail to:

Stacey A. Haire
Assistant Regional Counsel
Office of Environmental Accountability
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, GA 30303



10445693

Please be aware that EPA has the express authority to acquire access to property affected by hazardous substances and to conduct planned removal actions pursuant to section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), 42 U.S.C. § 9601 *et seq.*, as amended. If an EPA request for access is denied, EPA may: (1) seek an administrative order directing compliance with the request; (2) initiate a civil action to compel compliance; or (3) seek access by any other lawful means. (Under certain circumstances, a court may impose a civil penalty in an amount not to exceed \$27,500 per day for failure to grant access or comply with an administrative order directing that access be granted.)

If EPA does not receive a properly executed copy of the enclosed Access Agreement by the close of business on Monday, June 28, 2004, EPA will consider such inaction to be a denial of access and will proceed accordingly.

If you should have any legal questions about this letter, please contact me at (404) 562-9676. If you have any technical questions regarding removal actions at the site, please contact the On-Scene Coordinator ("OSC"), Terry Stilman at (404) 562-8748. Your assistance and cooperation are appreciated.

Sincerely,



Stacey A. Haire
Assistant Regional Counsel

Enclosure: Access Authorization

cc: Terry Stilman, OSC

BCX Corp. Site
1903 East Adams Street
Jacksonville, Duval County, Florida

ACCESS AUTHORIZATION

1. I, **Ferrell Carden**, am the **Managing Member of Seven Out, LLC**, a Florida Limited Liability Corporation, and as such, I have the authority to sign this authorization.

2. I grant authorization to the United States Environmental Protection Agency ("EPA"), its officers, employees, contractors, and other authorized representatives, to enter the property located at **1903 East Adams Street, Jacksonville, Duval County, Florida** (the "Site"). The Site is currently owned by **Seven Out, LLC**. This authorization allows EPA, its officers, employees, contractors, and other authorized representatives to have access to the Site to conduct sampling and/or a time-critical removal action. EPA's activities at the Site will include, but not be limited to, the following:
 - a. Taking such soil, water, and air samples as may be determined to be necessary;
 - b. Sampling any solids or liquids stored or disposed of on-site;
 - c. Sampling all drums and tanks on-site to characterize wastes;
 - d. Other actions related to the investigation of surface or subsurface contamination;
 - e. Taking response actions, including those necessary to contain hazardous substances;
 - f. Restricting access to the Site;
 - g. Transporting and disposing of all wastes to a facility approved by the EPA;
 - h. Crushing empty drums for off-site disposal and dismantling and decontaminating tanks;
 - i. Treating and disposing of contaminated soil; and
 - j. Transporting equipment onto and about the Site as necessary to accomplish the above activities.

3. The consent for access and use granted herein will commence on the date this Access Authorization is signed and will continue until EPA completes the removal action.
4. I have been notified that these actions by EPA are undertaken pursuant to its response authority under Section 104(a) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9604(a).
5. I have been notified that any parties found to be responsible pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), may be liable for all costs EPA incurs in connection with the response that are not inconsistent with the National Contingency Plan (NCP), at 40 CFR Part 300.

FOR SEVEN OUT, LLC

Date: _____

Signature: _____

Printed Name: _____

Title: _____

Please return this signed and dated Access Authorization to:

Stacey A. Haire
Assistant Regional Counsel
Office of Environmental Accountability
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, GA 30303

*** TRANSMISSION REPORT ***

JUN-23-04 15:15

ID:404 562 9486

REGION 4 OEA EAD

JOB NUMBER 643
 INFORMATION CODE OK
 TELEPHONE NUMBER 89043560885
 NAME (ID NUMBER)
 START TIME JUN-23-04 15:13
 PAGES TRANSMITTED 005 TRANSMISSION MODE EMMR
 RESOLUTION STD REDIALING TIMES 00
 SECURITY OFF MAILBOX OFF
 MACHINE ENGAGED 01'42

THIS TRANSMISSION IS COMPLETED.

LAST SUCCESSFUL PAGE 005



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION 4
 ATLANTA FEDERAL CENTER
 81 FORSYTH STREET S.W.
 ATLANTA, GEORGIA 30303-8190

OFFICE OF ENVIRONMENTAL ACCOUNTABILITY

DATE: June 23, 2004 NUMBER OF PAGES: 5
 (including coversheet)
 TO: Ferrell F. Carden
 OFFICE: Seven Out, LLC
 FAX #: (904) 356-0885 PHONE #: (904) 356-3391

SENDER: Stacey A. Haire, Assistant Regional Counsel
 SENDER'S FAX # (404) 562-9486 SENDER'S PHONE # (404) 562-9676

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