



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Ryan E. Matthews
Interim Secretary

VIA EMAIL
Read Receipt Requested

April 24, 2017

Joe Tenaro
Environmental Conservation Laboratories, Inc.
10775 Central Port Drive
Orlando, FL 32824

Re: Approval of FL-PRO Method Modifications;
OGC No. 17-0199

Dear Mr. Tenaro,

The Aquatic Ecology and Quality Assurance Section (AEQAS) of the Department of Environmental Protection (department) has reviewed your method modification validation information according to rule 62-160.330(3), F.A.C., and has approved the method modifications for the analysis of samples using the DEP FL-PRO method, as further explained below.

Materials Reviewed

This approval of method modifications is based on the review of the following Standard Operating Procedures (SOPs) and validation data submitted by Environmental Conservations Laboratories, Inc. (ENCO), Orlando location.

1. SOPs Reviewed

- a. "FDEP FL-PRO (Petroleum Range Organics by Fid) In Soils," Policy No. SVGC-23, Revision No. 1, Effective Date, March 1, 2017.
- b. "Extraction of Soil/Solid Samples using Soil Cells," Policy No. EXSV-33, Revision No. 0, Effective Date, March 1, 2016.

2. Validation Data Reviewed

- a. Method Detection Limit (MDL) study for FL-PRO analyses in soil using a hot block preparation procedure; with supporting raw data (WO #AZ0050, Analysis date 1/29/2016).

- b. Initial demonstration of Precision and Accuracy and supporting raw data (Batch 6A25007, Analysis date 1/25/2016).

FL-PRO Modifications Approved for the Analysis of Soil Samples

Only the ENCO modifications of the DEP FL-PRO method listed below are approved for the analysis of soil samples. This approval pertains only to analyses performed at the ENCO Orlando lab. The current, calculated ENCO Orlando lab MDL is 3.4 mg/kg, and the Method Reporting Limit (MRL) is 5.7 mg/kg.

1. Soil-Cell Hot Block method, in place of sonication for extracting soils.
2. Soil sample size: 30g (instead of 25g).
3. Extraction solvent aliquot volume: 30 mL once (instead of 100 mL, 3 times).
4. Final extraction volume of 1 mL (instead of 2 mL).
5. Extract concentration procedure: Turbo-vap concentrator.
6. Surrogate standard concentrations: Per, SOP no. SVGC-23, Revision No. 1; OTP spiked at 50 ul/ml, and C39 at 100 ug/mL; and varying concentrations in calibration curve.

DEP Recommendations in Support of the Approval

The department recommends the following for conformance with laboratory certification requirements (NELAC 2003, TNI 2009, TNI 2016):

1. Surrogate spike concentrations in MDL studies should be the same as those spiked into routine field samples.
2. Target compounds (TPH) should be spiked at 1X – 4XMRL (PQL) for demonstration of capability.

Should you have any questions about the approval of these method modifications, please do not hesitate to contact Jennifer Claypool at 850-245-8473 or at Jennifer.Claypool@dep.state.fl.us.

Effective Date of Approval and Notice of Rights

This action is final and effective on the date mailed (via e-mail) unless a sufficient petition for an administrative hearing is timely filed under sections 120.569 and 120.57 of the Florida Statutes as provided below. If a sufficient petition for an administrative hearing is timely filed, this agency action becomes only proposed agency action, subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the department. Because an administrative hearing may result in the reversal or substantial modification of this action, the petitioner is advised not to proceed until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time have expired. Mediation is not available.

A person whose substantial interests are affected by the department's action may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Under rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the department's action may also request an extension of time to file a petition for an administrative hearing. The department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect. If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205, F.A.C.

In accordance with rules 28-106.111(2) and 62-110.106(3)(a), F.A.C., petitions for an administrative hearing by the petitioner must be filed within 21 days of receipt of this written notice. Petitions filed by any persons who were not entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within 21 days of publication of the notice, if published, or within 21 days of receipt of the written notice, whichever occurs first. Under section 120.60(3) of the Florida Statutes, however, any person who has asked the department for notice of agency action may file a petition within 21 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to ENCO, at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 of the Florida Statutes.

A petition that disputes the material facts on which the department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A

concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301, F.A.C. Under paragraphs 120.569(2)(c) and (d) of the Florida Statutes, a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This agency action constitutes an order of the department. Subject to the provisions of paragraph 120.68(7)(a) of the Florida Statutes, which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under section 120.68 of the Florida Statutes, by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, 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 30 days from the date when the final order is filed with the Clerk of the department.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



David Whiting, Deputy Director
Division of Environmental Assessment
and Restoration
2600 Blair Stone Road
Tallahassee, FL 32399
850-245-8191

Mr. Joe Tenaro
April 24, 2017
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Copies furnished to:

Stacey Cowley, DEP, Office of General Counsel
File

CERTIFICATE OF SERVICE

The undersigned duly designated clerk hereby certifies that this agency action, including all copies, was e-mailed before the close of business on APRIL 28th, 2017, to the above listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to 120.52(7)
Florida Statutes, with the designated department Clerk,
receipt of which is hereby acknowledged.


Clerk

4/28/17
Date