

**From:** Byer, James  
**Sent:** Thursday, December 29, 2005 3:33 PM  
**To:** 'PGDitter@onyxsp.com'  
**Cc:** LTDunwoody@onyxsp.com; gsnewton@onyxsp.com  
**Subject:** RE: Scanned copy of registration  
Phil.

Using your verbal information and the scanned copy of the registration, I discussed the issue with Jack Price in Tallahassee (Head of Hg stuff, rule-writer, etc).  
I also discussed with my staff here in Pensacola.  
My findings:

- The Department's electronic database of "Florida" facilities (companies) registered as Universal Waste (UW) transporter and Transfer Facilities indicates that "ONYX-Tallahassee" last registered in March of 2000 (valid until March 2001).
- The Department's electronic database LIST of "Florida" facilities (companies) registered as Universal Waste (UW) transporter and Transfer Facilities does not identify the "ONYX-Tallahassee" as registered for anything (only list facilities in Florida, not out-of-state registrations).
- The Department's letter of 03/01/2005 is a registration which indicates ONYX-Flanders, NJ has been registered as a Transporter of UW (this part is OK) and as a Transfer facility for UW Lamps and Devices (this part is NOT OK because it is registering the Flanders NEW JERSEY location by the State of Florida – we can not do that !!). Jack said this is a mistake and should not have been issued, only the Transporter registration should have been indicated. The ONYX-Tallahassee facility needs to register for the Transfer Facility activity occurring at that physical location.
- Both you and I agree that registration in accordance with 737 is required, however both FDEP and ONYX made errors in this process.

Therefore, the alleged violation # 5, Failure to register with the Department as a Transporter/Transfer Facility will be removed from the enforcement actions discussed on Dec 14.  
The proposed civil penalty will be adjusted downward (by \$2,475) to reflect its removal. The proposed adjusted civil penalty total now is \$40,950 and Department costs of \$1,500.

As discussed during our meeting on Dec 14, this proposed penalty and costs is dependant on the application of the USEPA's self-policing policy which requires that elements 2 thru 9 of the policy are satisfied. The contamination assessment of the unpermitted storage location for any possible releases of contaminants to the environment is still to be determined. If the assessment (and cleanup if required) meets the conditions of the self-policing policy then a reduction of the gravity-based civil penalty for alleged violations one thru four would apply.

Jim Byer  
NWD HW Section Supervisor  
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Extension 1253

-----Original Message-----

**From:** PGDitter@onyxsp.com [mailto:PGDitter@onyxsp.com]

**Sent:** Wednesday, December 28, 2005 10:22 AM  
**To:** Byer, James  
**Cc:** LTDunwoody@onyxsp.com; gsnewton@onyxsp.com  
**Subject:** Scanned copy of registration

As we discussed this morning attached is a scanned copy of our transporter registration.

Phillip Ditter  
Onyx Environmental Services, L.L.C.  
EH&S Manager  
Phone: 262-243-8908