



# Florida Department of Environmental Protection

Central District  
3319 Maguire Boulevard, Suite 232  
Orlando, Florida 32803-3767

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

July 27, 2007

## ELECTRONIC MAIL

[vsanagustin@perma-fix.com](mailto:vsanagustin@perma-fix.com)

Mr. Victor San Agustin  
Perma-Fix of Orlando  
10100 Rocket Blvd.  
Orlando, FL 32824

OCD-HW- E-07-129

Orange County – HW/SW  
Perma-Fix of Orlando, Inc.  
HW - FLR000115469/SW - SO48-0152516-002 & FLD980559728  
Reply to July 20, 2007 Perma-Fix Letter

Dear Mr. San Augustin:

A hazardous and solid waste compliance inspection was conducted at your facilities on December 6, 2006, and February 5, 2007. On June 14, 2007 a meeting was held to discuss the potential non-compliance items outlined in Warning Letter OWL-HW-E-07-009. Perma-Fix of Orlando submitted a letter dated June 28, 2007, summarizing the corrective actions completed and responses to the violations cited and discussed during the meeting. A short form consent order was sent to you in an effort to resolve this case on June 11, 2007. Perma-Fix submitted a second response dated July 20, 2007; the following comments address the July 20<sup>th</sup> letter.

- a. At the time of inspection the drum in question was closed and under cover making it nearly impossible for rainwater to collect in the drum (Fig. 1). Additionally, no information was provided to back up the facility's claim that the drum only contained rainwater; therefore, no reduction in penalty is given.
- b. As stated in the Department's July 11, 2007, letter the extent of deviation for this violation is always major and the penalty amount remains the same.
- c. As stated in the Department's July 11, 2007, letter the extent of deviation for this violation is moderate because there where more than six containers improperly labeled; therefore the penalty amount remains the same.
- d. The Department maintains that Perma-Fix violated this regulation. The extent of deviation for this violation is always major for a permitted hazardous waste storage facility; therefore the penalty amount remains the same.

- e. As stated in the Department's July 11, 2007, letter the extent of deviation for this violation is always major; therefore the penalty amount remains the same.
- f. Inspection observations clearly state that there were two containers of used oil that were not labeled; Figure 2 shows these containers. The Department maintains that Perma-Fix violated this regulations and the penalty amount remains the same.

In addition, violations and penalty amounts were previously removed for items g, h, and i, reducing the total penalty from \$48,779.00 to \$15,681.00. History of non-compliance and economic benefit penalties were also not calculated for the remaining non-compliance items but instead penalties were calculated at the higher end of the penalty matrix.

We would like to schedule a meeting to discuss resolution of this case. Please contact Jeff Waters at [Jeff.T.Waters@dep.state.fl.us](mailto:Jeff.T.Waters@dep.state.fl.us) or call at (407) 893-3328 within five days of receipt of this letter.

Sincerely,



Vivian F. Garfein  
Director, Central District

Date: 7/27/2007

VFG/jtw

Enclosures:  
Inspection Photographs

cc: Michael Redig, FDEP, Tallahassee, [michael.redig@floridadep.net](mailto:michael.redig@floridadep.net)  
Alan Annicella, EPA Region 4, [annicella.alan@epa.gov](mailto:annicella.alan@epa.gov)

Perma-Fix of Orlando, Inc.  
December 6, 2006  
Jeff Waters and Janine Kraemer



Fig. 1 – Drum containing unknown contents, under cover and bung in place.



Fig. 2 – Used oil containers not properly labeled.