

ENFORCEMENT MEETING DOCUMENTATION

Attendees: See attached List

Location: NWD TB DEP Office **Date:** Aug 28, 2007 **Time:** 12:30 – 1:30P.M.

Subject: Enforcement of alleged violations at Veolia TSD in Tallahassee

Meeting Requested By: FDEP

Meeting Objectives: To discuss enforcement action being taken by DEP.

Notes:

The meeting was opened signing of the attached attendance sheet. Jim Byer participated by phone. I provided an explanation of the two phases of the meeting, first to discuss contents of the inspection report for accuracy and provide an opportunity to provide additional information or any circumstances regarding the case. Second is to discuss the proposed resolution to the issues determined and the possibility of a voluntary mutual agreement.

I provided everyone with a copy of the inspection report with one alleged violations cited. Both Linda Dunwoody and Phillip Ditter were familiar with the inspection report and agreed that it was an accurate interpretation of the inspection.

Mr. Byer referred to historic data indicating that TCLP analysis results for aluminum samples containing 1.7 to 190 ppm total mercury were less than 5ppm (not hazardous waste).1

Mr. Ditter requested to propose clearer language for Part IV, paragraph 4 of the operating permit. Mr. Byer and I agreed that it would be helpful and recommended that Mr. Ditter speak with Bheem Kothur, permit manager, on the subject.

Veolia's failure to implement the alternate management plan in 2006 was discussed. There had been a misunderstanding on when the plan should be implemented. Veolia agreed to take in the required amount of additional mercury for reclamation that would have been required for 2006 in 2007 along with any required for 2007. Mr. Byer explained that any additional mercury taken in without charging for it would count toward fulfillment of the alternate management plan.

The difference in the TSD storage area and the 90-day accumulation area was discussed and Veolia was advised that any area not covered under a hazardous waste storage permit would be required to meet the 90-day accumulation limit.

I explained that Florida DEP has EPA-delegated authority to enforce the Resource Conservation and Recovery Act program which includes compliance with RCRA permits and accesses penalties for violations according to state wide guidelines. I then explained the application of those guidelines to the current permit violation. I explained that the amount assessed had been adjusted upward by 50% because of similar violations for which enforcement was taken within the past three years.

Agreements/Conclusions Reached:

- DEP proposed to settle the case with a SFCO for penalties only.
 - The total amount proposed was \$4,350 for the violation and \$250 for DEP cost for a total of \$4,600.
 - Veolia would consider the voluntary settlement proposed by DEP and respond within one month.
 - If Veolia agreed to the proposed amount, DEP would draft and issue a SFCO requiring payment within 30 days of signing.
 - Veolia would take in enough additional mercury in 2007 to cover the amount required in 2006 and 2007 combined.
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Prepared by: Melissa Woehle

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Time:

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