

Department of Environmental Protection

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary

April 24, 1996

CERTIFIED MAIL
P 337 150 939

OHM Remediation Services Corp.
5335 Triangle Parkway, Suite 450
Norcross, Georgia 30092

OCD-HW/E-96-0204

Attention: Mr. William P. Millisor

Lake County - HW
OHM Corporation - Clermont, Florida
Adjusted Civil Penalties and Short Form Consent Order

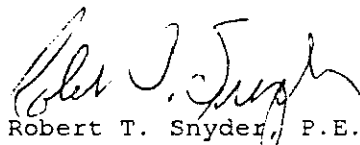
Dear Mr. Millisor:

Following our discussion today, we reevaluated penalty components based on the initial drums containing absorbent material, rather than free flowing liquid. After review we adjusted the *Potential for Harm* to minor, resulting in the violation being characterized as *Minor/Moderate*. We cannot completely overlook an obligation on the part of OHM. In addition, the violation scored a 12 which is the ceiling for a *Minor* violation, therefore, believe the upper range is appropriate.

Enclosed are the adjusted civil penalty worksheets, the portions of penalty guidelines used in characterizing the violation, and a Short Form Consent Order for your review and signature.

If you have any questions, please call me or Jennifer Hobbs at (407) 893-3323.

Sincerely,


Robert T. Snyder, P.E.
Program Manager
Hazardous Waste Section

RTS/jh

Enclosures



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OHM Remediation Services Corp.
5335 Triangle Parkway, Suite 450
Norcross, Georgia 30092

OCD-HW/E-96-0202

Attention: Mr. William P. Millisor

Re: Proposed Settlement by Short Form Consent Order in Case of OHM
Corporation - Clermont, Florida, OGC File No.: 96-1178.

Dear Mr. Millisor:

The purpose of this letter is to complete the settlement of the violations previously identified by the Department of Environmental Protection ("DEP") in Warning Letter OWL-HW/E/C-95-0020 dated February 28, 1996, which is attached. The corrective actions required to bring your facility into compliance have been performed. However, you must pay to the Department the amount of one thousand four hundred and ninety nine dollars (\$1,499.00) in civil penalties to complete settlement of the violations described in the attached Inspection Report, along with \$100.00 to reimburse the DEP's costs, for a total of one thousand five hundred and ninety nine dollars (\$1,599.00). This payment must be made to "The Department of Environmental Protection" by certified check or money order and shall include thereon the OGC number assigned above and the notation "Pollution Recovery Fund". The payment shall be sent to the Central District Office, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803-3767, within 15 days of your signing this letter.

Your signing of this letter where indicated at the end of page two of this letter constitutes your acceptance of DEP's offer to settle this case on these terms. If you sign this letter, please return it to DEP at the address above. DEP will then countersign the letter and file it with the Clerk of the DEP. When the signed letter is filed with the Clerk, the letter shall constitute a Consent Order, which is final agency action of the DEP, the terms and conditions of which may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 and 403.121, Florida Statutes. Failure to comply shall constitute a violation of Section 403.161(1)(b), Florida Statutes.

By countersigning this settlement offer, the DEP waives its right to seek judicial imposition of damages, costs and expenses, or civil penalties for the violations described above. By accepting this offer of settlement, you waive your rights as described in the Notice Of Rights attached to this document. If you do not sign and return this letter to the Department at the

OHM Corporation
April 24 1996
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Central District address given above within 20 days of receipt of this letter, it will be referred to the DEP's Office of General Counsel with a recommendation that formal enforcement action be taken against you. None of your rights or substantial interests are determined by this letter unless you sign it and it is filed with the DEP Clerk.

Sincerely,



Vivian F. Garfein
Director of District Management

I ACCEPT THE TERMS OF THIS SETTLEMENT OFFER.

For: OHM Corporation

By:

Title:

Date:

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Vivian F. Garfein
Director of District Management

ENTERED this _____ day of _____, 1995 in Orlando, Florida.

FILING AND ACKNOWLEDGEMENT FILED, on this date, pursuant to §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

CLERK

Date

VFG/jh
RTS
Attachments

cc: EPA Region IV
FDEP, Tallahassee

NOTICE OF RIGHTS

Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000 within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Section 120.57, Florida Statutes.

The petition shall contain the following information:

- (a) The name, address, and telephone number of each petitioner; the Department's Consent Order identification number and the county in which the subject matter or activity is located;
- (b) A statement of how and when each petitioner received notice of the Consent Order;
- (c) A statement of how each petitioner's substantial interests are affected by the Consent Order;
- (d) A statement of the material facts disputed by petitioner, if any;
- (e) A statement of facts which petitioner contends warrant reversal or modification of the Consent Order;
- (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order;
- (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 60Q-2.010, Florida Administrative Code.