



# Florida Department of Environmental Protection

Northwest District  
160 W. Government Street, Suite 308  
Pensacola, Florida 32502-5740

Rick Scott  
Governor

Jennifer Carroll  
Lt. Governor

Herschel T. Vinyard Jr.  
Secretary

July 7, 2011

Mr. John McShane  
Veolia ES Technical Solutions  
1275 Mineral Springs Drive  
Port Washington, Wisconsin 53074

Dear Mr. McShane:

This is to forward a copy of the executed Short Form Consent Order, OGC 11-0801-37, concerning the Veolia ES Technical Solutions, L.L.C. located at 342 Marpan Lane, Tallahassee, Florida. Thank you for your response to the Department's proposed resolution of this matter. The Department has received payment for civil penalties and Department costs.

The Consent Order has one remaining outstanding condition: completion of Pollution Prevention (P2) projects to off-set the assessed civil penalty in the amount of \$6,100. A list of proposed projects with an estimated cost must be submitted to the Department for approval within 90 days. If the Pollution Prevention Project Plan is approved by the Department and completed, a \$1 credit for each dollar spent on applicable costs will be applied against the civil penalty up to \$6,100.

If you have any questions, please contact Aaron Mitchell by telephone at (850)595-0621 or by e-mail at [Aaron.Mitchell@dep.state.fl.us](mailto:Aaron.Mitchell@dep.state.fl.us).

Sincerely,

J. Charles Harp  
Interim Waste Program Administrator

JCH/amb

Enclosure: Consent Order OGC # 11-0801-37-HW

c: Lea Crandall, FDEP Office of General Counsel, [Lea.Crandall@dep.state.fl.us](mailto:Lea.Crandall@dep.state.fl.us)



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June 7, 2011

Sent via e-mail to:

[John.McShane@veoliaes.com](mailto:John.McShane@veoliaes.com)

and

**CERTIFIED, RETURN  
RECEIPT REQUESTED**

**Certified Receipt No.: 7011 0470 0001 5769 6699**

Mr. John McShane  
Veolia ES Technical Solutions  
1275 Mineral Springs Drive  
Port Washington, Wisconsin 53074

**SUBJECT:** Short Form Consent Order  
Proposed Settlement of Veolia ES Technical Solutions, L.L.C.  
OGC File No.: 11-0801-37-HW

Dear Mr. McShane:

This is to complete the resolution of the matters previously identified by the Department and USEPA Region 4 during a hazardous waste inspection on December 6, 2010, at the Veolia ES Technical Solutions, L.L.C. facility located in Tallahassee, Florida. Thank you for meeting with us on March 24, 2011 to discuss an amicable resolution of the matters which are specifically outlined in the enclosed Warning Letter and Inspection Report. If you agree to the terms outlined in this letter, please have the appropriate individual sign the last page where it states, "For the Respondent."

The Department finds that you were in violation of the rules and statutes cited in the "New Potential Violations and Areas of Concern" section of the enclosed Inspection Report dated December 6, 2010. The corrective actions required to bring your facility into compliance have been performed and verified by a Department re-inspection on May 10, 2011, report enclosed. The civil penalties are apportioned as follows: \$13,500 for violation of Section 403.727(1), Florida Statutes and Rule 62-737.800(9), Florida Administrative Code; \$3,200 for violation of Title 40 Code of Federal Regulations (C. F. R.) Part 264.51(b); and \$1,400 for violation of Title 40 C. F. R. Part 262.34(a)(2). In order to resolve the matters identified in the enclosed Warning Letter, you are assessed civil penalties in the amount of \$18,100, along with \$500 to reimburse the Department costs, for a total of \$18,600. In lieu of making the monetary payment of the entire civil penalties, the Department has determined that \$6,100 of the civil penalty may be offset on a dollar for dollar basis through

Veolia ES Technical Solutions, L.L.C.

OGC #11-0801-37-HW

June 7, 2011

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the implementation of a Pollution Prevention (P2) Project(s). This amount is referred to as the "allowable amount." Your selected P2 Project(s) should be pre-approved by the Department. Respondent shall pay the remaining civil penalties of \$12,000 and the Department's costs of \$500, for a total of \$12,500, within 30 days of signing this letter.

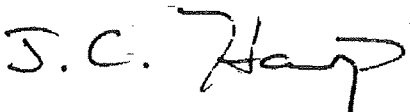
As provided in the previous paragraph, the Department is giving you the option to offset the allowable amount of the civil penalty with a P2 Project(s). Upon signing this letter, you shall submit P2 Project(s) for Department approval, implement the approved P2 Project(s) and the P2 Project(s) must be completed no later than 120 days of your signing this letter. Your failure to timely start or complete the approved P2 Project(s) will cause the P2 Project option to be forfeited and the balance of the civil penalty, \$6,100, shall be due within ten days of notice from the Department.

The Department acknowledges that the payment of these civil penalties by you does not constitute an admission of liability. This payment must be made payable to the Department of Environmental Protection by cashier's check or money order and shall include the OGC File Number assigned above and the notation "Ecosystems Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, District Director, Northwest District, 160 West Government Street, Suite 308, Pensacola, Florida 32502-5740.

By signing this letter you are accepting the Department's offer to resolve this matter on these terms. If you elect to sign this letter, please return it to the Department at the address indicated above. The Department will then countersign the letter and file it with the Clerk of the Department. When the signed letter is filed with the Clerk, the letter shall constitute final agency action of the Department which shall be enforceable pursuant to Section 120.69 and 403.121, Florida Statutes.

If you do not sign and return this letter to the Department at the District address by June 30, 2011, the Department will assume that you are not interested in settling this matter on the above described terms, and will proceed accordingly. None of your rights or substantial interests are determined by this letter unless you sign it and it is filed with the Department Clerk.

Sincerely,

A handwritten signature in black ink, appearing to read "J.C. Harp". The signature is written in a cursive, flowing style.

J. Charles Harp  
Interim Waste Program Administrator

JCH/amr

**FOR THE RESPONDENTS:**

I, John P. McShane on behalf of Veolia Env. Services, LLC, **HEREBY**  
**ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**


By:  Date: 6/28/11

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**FOR DEPARTMENT USE ONLY**

DONE AND ENTERED this 7th day of July, 2011.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
J. Charles Harp  
Interim Waste Program Administrator

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

  
Clerk

7/7/2011  
Date

Enclosures (3): Warning Letter dated 2/21/11  
Inspection Report of 12/6/10  
Inspection Report of 5/10/11

c: FDEP Office of General Counsel  
Alan Newman, EPA Inspector, [Newman.Alan@epa.gov](mailto:Newman.Alan@epa.gov)  
Phil Ditter, Veolia ES, [phillip.ditter@veoliaes.com](mailto:phillip.ditter@veoliaes.com)  
Wayne Bulsiewicz, Veolia ES, [Wayne.Bulsiewicz@veoliaes.com](mailto:Wayne.Bulsiewicz@veoliaes.com)  
Glen Perrigan, HWRS, FDEP, [Glen.Perrigan@dep.state.fl.us](mailto:Glen.Perrigan@dep.state.fl.us)  
Anthony Tripp, Permit Engineer, FDEP, [Anthony.Tripp@dep.state.fl.us](mailto:Anthony.Tripp@dep.state.fl.us)

## 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 Sections 120.569 and 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, MS-35, 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 Sections 120.569 and 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; and (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 Sections 120.569 and 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 28-106.205, Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.