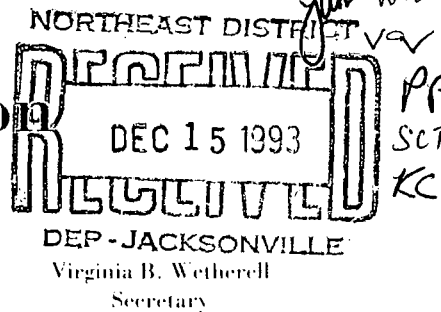




Lawton Chiles
Governor

Florida Department of
Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400



December 10, 1993

Deborah A. Getzoff
Fowler, White et al
P.O. Box 11240
Tallahassee, Florida 32302

RE: State of Florida Department of Environmental
Regulation v. Safety Kleen, Case No. 92-769, OGC No.
92-0086C

Dear Deborah:

Enclosed you will find a Consent Final Judgment,
redrafted in accordance with our discussions.

Please let me know within two weeks if your client
agrees to settle on these terms.

Thank you for your time and attention to these matters.

Sincerely,

Agusta P. Posner
Assistant General Counsel

Enclosure

DOCKET # 93-22

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION,

Plaintiff,

CASE NO. 92-769

vs.

SAFETY KLEEN CORPORATION,

Defendant.

CONSENT FINAL JUDGMENT

Plaintiff, State of Florida Department of Environmental Regulation ("Department"), and Defendant, Safety Kleen Corporation ("Safety Kleen"), in order to resolve the above-captioned case without the need for further litigation, hereby agree as follows:

1. The Department is the regulatory agency of the State of Florida charged with the duty and authority to administer and enforce Chapter 403, Florida Statutes (F.S.), and the regulations promulgated thereunder. The Department brought a civil action to remedy alleged violations of state hazardous waste management regulations by Safety Kleen.

2. Safety Kleen is a corporation organized under the laws of the State of Wisconsin and is duly registered with the Florida Secretary of State. Safety Kleen is a person within the meaning of §§403.031(5) and 403.703(4), F.S. Safety Kleen conducts a nationwide business which markets, collects and re-cycles solvent-based chemical cleaners.

Safety-Kleen serves businesses such as gas stations, auto repair shops, car dealers, dry cleaners, and machine shops. In addition, Safety Kleen transports hazardous paint-related wastes.

3. Safety Kleen is permitted by the Department, pursuant to authority delegated by the U.S. Environmental Protection Agency (EPA), to operate or to close hazardous waste tanks and container storage facilities in several Florida locations, including the following:

(i) 4426 Entrepot Boulevard, Tallahassee, Leon County, Florida 32310, EPA identification number FLD-982133159 ("Tallahassee Facility I")

(ii) 3082 West Tharpe Street, Tallahassee, Leon County, Florida, EPA identification number FLD-000776773 ("Tallahassee Facility II")

(iii) 505 Plumosa Drive, Altamonte Springs, Seminole County, Florida, 32701, EPA identification number FLD-097837983 ("Altamonte Springs Facility")

(iv) 5610 Alpha Drive, Boynton Beach, Palm Beach County, Florida, EPA identification number FLD-984167791 ("Boynton Beach Facility")

(v) 1855 S.W. 4th Avenue, Delray Beach, Palm Beach County, Florida, EPA identification number FLD-000776757 ("Delray Beach Facility")

(vi) 7875 N.W. 54th Street, Miami, Dade County, Florida 33166 ("Miami Facility")

(vii) 19200 Peachland Boulevard, Port Charlotte, Charlotte County, Florida 33949, EPA identification number FLD-000776716 ("Port Charlotte Facility")

(viii) 4701 N. Manhattan Street, Tampa, Hillsborough County, Florida, EPA identification number FLD-049557408 ("Tampa Facility")

(ix) 161 Industrial Loop, South, Orange Park, Clay County, Florida, EPA identification number FLD-980847214 ("Orange Park Facility")

4. The Department periodically conducts inspections of Safety Kleen's permitted facilities and reviews permit applications. In the course of implementing its regulatory program with respect to Safety Kleen's operations, the Department has discovered conditions or practices which the Department contends are violations of various hazardous waste regulations or permitting requirements, as set forth in the Complaint filed in this action on or about February 28, 1992.

5. Since the Complaint was filed, the Department discovered additional conditions or practices which it alleges are violations, in particular:

(i) unpermitted installation of a storage tank at the Jacksonville facility, as set forth in Warning Letter #WL92-0314HW10NED dated June 17, 1992;

(ii) conditions and practices at the Port Charlotte facility as set forth in inspection reports dated 12/3/92; 12/14/92; and 2/1/93;

(iii) delays in submitting information to complete the closure/post-closure permit application for the Miami facility, as set forth in Notices of Deficiency dated August 14, 1992, and June 1, 1993.

6. Safety Kleen acknowledges the Department's authority pursuant to §§403.061; 403.062; 403.121; 403.141; 403.151; 403.161; 403.707; 403.722, F.S.; Rule 17-730.220, F.A.C.; Rule 17-730.260, F.A.C.; 40 CFR 264.112; 40 CFR 264.113; 40 CFR 264.118; 40 CFR 270.10; and 40 CFR 270.14(b) to take enforcement action for late or deficient closure permit

applications; for failure to implement groundwater monitoring programs in a complete and timely manner; and for failure to implement corrective actions to remediate soil or groundwater contamination in a complete and timely manner.

7. Entry into this Consent Final Judgment shall not be construed to be an admission by Safety Kleen of the truth of any of the allegations of the Department's Complaint, or an admission that it has violated any statutes or rules regarding hazardous waste management.

WHEREFORE, Safety Kleen shall forthwith comply in a complete and timely manner with all applicable requirements of Chapter 403, Florida Statutes, and Chapter 17-730 Florida Administrative Code, including all sections of 40 Code of Federal Regulations Parts 260 through 270 adopted by reference, and all requirements relating to facility closure and corrective action for soil or groundwater contamination.

Safety Kleen shall remit to the Department \$260,000 in civil penalties and costs to resolve the violations set forth in the Complaint and in paragraph 5 and in the list of violations set forth in the document attached as Exhibit 1. Payment shall be made within 60 days in the following manner: one check for \$200,000 shall be made payable to the Pollution Recovery Fund and one check for \$60,000 shall be made made payable to the Water Quality Assurance Trust Fund. Both checks shall be sent to the Hazardous Waste Administrator, Department of Environmental Protection, Twin Towers Office

Building, 2600 Blair Stone Road, Tallahassee, Florida,
32399-2400, and shall include a memo notation of the OGC
number of this case (92-0086C.)

For Safety Kleen, Inc.
address
address

For State of Florida Department
Of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399

BRANCH	DATE	DESCRIPTION OF VIOLATIONS
Orange Park	06-28-93	Non-Compliance with Transporter Requirements - 1 Customer
Orange Park	04-13-93	Unmanifested Waste Report
Boynton Beach	09-14-93	Non- Compliance with Transporter Requirements - 1 Customer
Boynton Beach	06-28-93	Non-Compliance with Transporter Requirements - 3 Customers
Port Charlotte	06-28-93	Non-Compliance with Transporter Requirements - 2 Customers
Port Charlotte	06-04-93	Failed to perform all required inspections in one day Wet Dumpster replaced without minor modification request
Port Charlotte	04-06-93	Unmanifested Waste Report
Port Charlotte	02-25-93	Unmanifested Waste Report
Tampa	10-12-93	Non-Compliance with Transporter Requirements - 2 Customers
Tampa	09-24-93	Non-Compliance with Transporter Requirements - 4 Customers
Tampa	06-29-93	Non-Compliance with Transporter Requirements - 4 Customer
Tampa	06-04-93	Stored Hazardous Waste over 10 days Insufficient Secondary Containment Volume
Tampa	08-12-93	Unmanifested Waste Report
Tampa	08-12-93	Unmanifested Waste Report
Tampa	07-28-93	Unmanifested Waste Report
Tampa	07-28-93	Unmanifested Waste Report
Tampa	07-28-93	Unmanifested Waste Report
Tampa	06-29-93	Unmanifested Waste Report
Tampa	01-19-93	Unmanifested Waste Report
Tallahassee	10-29-93	Failure to perform all required inspections in one day
Tallahassee	10-14-92	Unmanifested Waste Report
Sanford	09-16-93	Unmanifested Waste Report
Sanford	09-07-93	Unmanifested Waste Report
Sanford	08-03-93	Unmanifested Waste Report
Altamonte Springs	08-07-93	Unmanifested Waste Report
Altamonte Springs	12-31-92	Unmanifested Waste Report
Altamonte Springs	12-16-92	Unmanifested Waste Report
Medley	12-30-92	Unmanifested Waste Report