



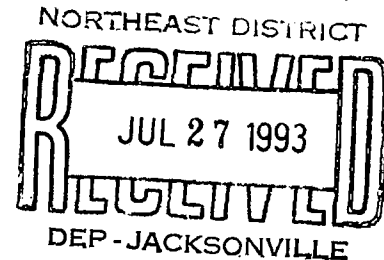
Lawton Chiles
Governor

Florida Department of Environmental Protection

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

Virginia B. Wetherell
Secretary

July 23, 1993



Pamela Presnell Garvin
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 Pam:

As a result of our recent telephone call, I polled the districts for outstanding violations with respect to Safety Kleen operations around the state.

The results show outstanding violations, not alleged in the Complaint, in three districts: Northeast (construction of a hazardous waste storage tank without a permit at Safety Kleen's Jacksonville facility); South Florida (several major violations relating to use of two wet dumpsters in the South Return/Fill Station for storage of hazardous waste at the Port Charlotte facility and a few relatively minor violations involving facility maintenance and operating logs); and Southeast (failure to submit a complete closure application for the Miami facility after one Notice of Deficiency.)

I am authorized to offer to settle all outstanding violations as of this date on the following terms:

\$200,000	for violations alleged in the complaint
51,600	for Port Charlotte violations
9,500	for Jacksonville violation
<u>22,500</u>	for Miami closure Part B delay
TOTAL 283,600	

The Consent Final Judgment should include stipulated penalties of \$1000 per day for failure to submit COMPLETE closure applications in a timely manner. As you know, timely clean up and closure of Safety Kleen facilities remains a major concern of the Department.

DOCKET # 93-11

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Which brings me to the point regarding Safety Kleen's Delray Beach Georgia Street facility, which is the subject of Final Order OGC #90-0606.


The Department's Final Order has been affirmed, and the Mandate from the Second District Court of Appeal was filed on July 6, 1993. The Final Order, adopting the Recommended Order, requires implementation of the "Corrective Actions for Ground Water Contamination Cases" which was attached as an exhibit to the original Notice of Violation.

For your convenience, I am enclosing a copy of the applicable version of the Model Corrective Actions. As you can see, the first step is submittal of a Contamination Assessment Plan within 60 days of the "Order incorporating these contamination assessment actions." Since the effect of the Department's Final Order was not stayed pending appeal, the CAP was due on November 23, 1992. As part of the settlement of the civil case, the Department would agree not to take enforcement action against Safety Kleen for its failure to submit a CAP for the Georgia Street site and to consider the date of the Mandate as the effective date of the Order.

However, please advise your client to observe carefully the deadlines in the Model Corrective Actions, and to submit a COMPLETE Contamination Assessment Plan for the Georgia Street site on or before September 7, 1993.

I believe the settlement is more than generous to Safety Kleen, and I hope your client sees it in that light. I look forward to your prompt response.

Sincerely,



Agusta P. Posner
Assistant General Counsel

Enclosure