

Consent Final Judgment,
dated 1/24/94

Florida Department of
Environmental Protection

RCRA PERMITTING -- ROUTING SLIP

FACILITY/ITEM: SAFETY-KLEED / all
PATS NO: Medley HO13-216311

TO	NAME	INITIALS	DATE
___	SATISH KASTURY	_____	_____
___	MERLIN RUSSELL	_____	_____
X	SHELTON GRAVES	<u>SG</u>	<u>14 Feb 94</u>
___	AMRISAR KAHAROEDDIN	_____	_____
___	JIM LADNER	_____	_____
___	BILL LINN	_____	_____
X	JOYCE PAPP - please make me a copy, need copies for each	_____	_____
X	CAMILLE PLAUTZ	<u>CAMILLE M. PLAUTZ</u>	<u>02/14/94</u>
___	CINDY SMITH	_____	_____
X	MICHAEL HATCHER	<u>mt</u>	<u>2-16</u>
X	BHEEM KOTHUR	<u>BK</u>	<u>2/16/94</u>
___	JOHN GRIFFIN	_____	_____
___	ALEX ON-WUTAKA	_____	_____
___	WANDA PARKER	_____	_____
___	RABIN PRUSTY	_____	_____
___	RAVI SHAH	_____	_____
X	HARBHAJAN SINGH	<u>HS</u>	<u>02-25-94</u>
___	DIANE HUNT	_____	_____
___	WILL WILLIAMSON	_____	_____

REQUIRED ACTION & COMMENT: URGENT() ROUTINE()

File

RETURN TO: Plautz / Singh FOR FILLING !

X LOGGED IN

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

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

PLAINTIFF,

vs.

Case No. 92-769

SAFETY KLEEN CORPORATION,

DEFENDANT.

FEB 4 1994

HAZARDOUS WASTE
ADMITTING

CONSENT FINAL JUDGMENT

This matter came before the Court on the attached Consent Final Judgment, fully executed by plaintiff and defendant. The Court having read the pleadings, and being otherwise advised in the premises, it is hereby

ORDERED AND ADJUDGED that:

1. The Consent Final Judgment is adopted as the Final Judgment of this Court.

2. The Court shall retain jurisdiction to enforce the terms of the Consent Final Judgment.

DONE AND ORDERED in chambers in Tallahassee, Leon County, Florida, on this 26th day of January, 1994.



Judge of the Circuit Court

Copies to: Agusta P. Posner
Deborah A. Getzoff

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 II")

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

(x) 5309 24th Avenue South, Tampa, Hillsborough County, Florida, EPA Identification Number FLD-980847271 ("Tampa Facility I")

(xi) 600 Central Park Drive, Sanford, Seminole County, Florida, EPA Identification Number FLD-984171165 ("Sanford Facility")

(xii) 8755 N.W. 95th Street, Medley, Dade County, Florida, EPA Identification Number FLD-9844171694 ("Medley 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. In addition to the above-listed violations, since the complaint was filed, Safety-Kleen has self reported to the Department potential violations at a number of its facilities, which are listed on Exhibit 1 attached to this Consent Final Judgment.

7. 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.

8. 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.)

50002.7012
For Safety-Kleen, Inc.
1000 N. Randall Rd.
Elgin, IL 60213

Date: 1/12/94

August P. Byner
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