



Jeb Bush
Governor

Department of Environmental Protection

Northwest District
160 Governmental Center
Pensacola, Florida 32502-5794

Colleen Castille
Secretary

November 23, 2004

CERTIFIED, RETURN RECEIPT REQUESTED

WARNING LETTER

Mr. Jeff Kirk
Onyx Special Services, Inc.
342 Marpan Lane
Tallahassee, Florida, 32305

Dear Mr. Kirk:

The purpose of this letter is to advise you of possible violations of law for which you may be responsible, and to seek your cooperation in resolving this matter. A file review by Department of Environmental Protection personnel on November 22, 2004, of Onyx Special Services, Inc. facility located at 342 Marpan Lane, Tallahassee, Leon County, Florida, indicates that violations of the Resource Conservation and Recovery Act (RCRA), Chapters 376 and 403, Florida Statutes and Florida Administrative Code Rules may exist at the above-described facility. (All Title 40 Code of Federal Regulations provisions have been adopted by reference in Florida Administrative Code, Chapter 62-730). Specifically, we have not received a test evaluation report as required by condition c. of the Final Order Granting Petition for Variance which was issued by the Department on June 10, 2004.

The failure to comply with the conditions of the Final Order and any other activities at your facility that may be contributing to violations of the above-described statutes or rules may subject you to liability for civil penalties and you should cease such activities immediately. Operation of a facility in violation of state statutes or rule may result in liability for damages and restoration as set forth in Section 403.727, Florida Statutes.

Please be advised that this letter is part of an agency investigation preliminary to agency action within the meaning of Section 120.57(5), F.S. We request that you submit the test evaluation report to the Department for review within 14 days of receipt of this Warning Letter or the Department will initiate formal enforcement proceedings. The Department is interested in reviewing any facts you may have that will assist in determining whether violations have occurred. Your written response should either describe what you have done to comply with the Final Order or provide evidence to support a claim that the alleged violations did not occur.

It is the Department's intent to allow you to document compliance or corrective actions. Your failure to respond promptly in writing may result in the initiation of formal enforcement proceedings. Follow-up inspections may be conducted to determine compliance with other Department rules and regulations.

We look forward to your cooperation in completing the investigation and resolution of this matter. If you have any other questions, please contact Jim Byer at telephone (850) 595-8360, extension 1264.

Sincerely,

A handwritten signature in black ink, reading "Charles F. Goddard". The signature is written in a cursive, flowing style.

Charles F. Goddard
Program Administrator
Waste Management

CFG:jbl

Cc: Phillip Ditter, Onyx/Port Washington
Tim Bahr, DEP/Hazardous Waste Regulation
Gerry Neubauer, DEP/Tallahassee Branch Office