



Jeb Bush
Governor

Department of Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Colleen Castille
Secretary

June 1, 2005

ELECTRONIC MAIL

robert.dengler@fedex.com

Robert Dengler
Fed Ex, Ground
3000 Directors Row,
Orlando, FL 32809

OCD-HW-C/E-05-0123

Orange County – HW
Short Form Consent Order Letter

Dear Mr. Dengler:

A hazardous waste compliance inspection was conducted at your facility on January 6, 2005. This inspection was conducted under the authority of Section 403.091, Florida Statutes, and Chapter 403, Part IV, Florida Statutes. The inspection is designed to ascertain the compliance status of your facility with 40 CFR 260-268, adopted in Florida Administrative Code Chapter 62-730.

Enclosed is a copy of the Supplemental Environmental Project Short Form Consent Order for your review. If you have questions concerning this matter, please e-mail Janine Kraemer at Janine.Kraemer@floridadep.net or call her at (407) 893-3323. Your response to this request for information should be mailed to Janine Kraemer at the letterhead address above.

Sincerely,

Vivian F. Garfein
Director, Central District

VFG/jk

Enclosures: Short Form Consent Order



Jeb Bush
Governor

Department of Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Colleen Castille
Secretary

ELECTRONIC MAIL

robert.dengler@fedex.com

Robert Dengler
Fed Ex, Ground
3000 Directors Row
Orlando, FL 32809

OCD-HW-C/E-05-0123

SUBJECT: Proposed Settlement by Short Form Consent Order in Case of Fed Ex, Ground,
OGC File No.: 05-0510

Dear Mr. Dengler:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter, OWL-HW-C/E-05-004, dated, February 11, 2005, a copy of which is attached. The corrective actions required to bring your facility into compliance have been performed. The Department finds that you are in violation of the rules and statutes cited in the attached letter. In order to resolve the matters identified in the attached letter, you are assessed civil penalties in the amount of \$12,650.00, along with \$500.00 to reimburse the Department costs, for a total of \$13,150.00. The civil penalty in this case includes one violation of \$2,000.00 or more.

In lieu of making cash payment of the civil penalties, the Department has determined that \$12,650 of the civil penalty may be offset through the implementation of a Supplemental Environmental Project (SEP). The value of the SEP shall be one and a half times the civil penalty off-set amount, which in this case is the equivalent of at least \$18,975.00.

Upon signing this letter, Respondent shall implement the approved SEP, which includes printing at least 1,250 copies of HAZARDOUS WASTE CURRICULUM FOR AVIATION MAINTENANCE. The approved SEP has an estimated total cost of \$18,750.00. Within 30 days of signing this letter, Respondent shall provide the Department with an invoice from the printing company indicating the number of copies to be printed and the cost per book. Within 90 days of signing this letter, Respondent shall provide the Department with the books. Within 100 days of signing this letter, Respondent shall provide the Department with a final report detailing the costs incurred for the SEP and provide the Department copies of all receipts for these costs.

Your signing this letter constitutes your acceptance of 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 that 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 within 20 days of receipt of this letter, 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 cursive script, reading "Vivian F. Garfein", written in dark ink.

Vivian F. Garfein
Director, Central District

June 2, 2005

Date

VFG/jk

FOR THE RESPONDENTS:

I, _____ on behalf of _____, **HEREBY ACCEPT THE
TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By: _____

Date: _____

.....
FOR DEPARTMENT USE ONLY

DONE AND ENTERED this _____ day of _____, 2005.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Vivian F. Garfein
Director, Central District

FILING AND ACKNOWLEDGMENT FILED,
on this date, pursuant to §120.52, Florida Statutes,
With the designated Department Clerk,
receipt of which is hereby
Acknowledged.

Clerk

Date

cc: Mike Redig, FDEP, Tallahassee, michael.redig@floridadep.net
Laurie Digaetano, EPA Region 4, digaetano.laurie@epa.gov
Debra Solomon, Fed Ex, Ground, Orlando, Debra.Solomon@fedex.com

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; (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.