



Jeb Bush  
Governor

# Department of Environmental Protection

Northwest District  
160 Governmental Center  
Pensacola, Florida 32502-5794

Colleen Castille  
Secretary

March 22, 2006

**Sent via Email:**  
[mike.steltenkamp@ipaper.com](mailto:mike.steltenkamp@ipaper.com)

Mr. Mike Steltenkamp  
EH&S Manager  
Pensacola Mill  
International Paper  
375 Muscogee Road  
Cantonment, Florida, 32533-0087

Dear Mr. Steltenkamp:

This is in response to your February 28, 2006 correspondence, regarding resolution of the January 10, 2006 Department warning letter. As noted in your correspondence, International Paper (IP) met with the Department on February 2, 2006 to discuss the referenced warning letter. In conclusion to our meeting the Department proposed a voluntary settlement in the form of a consent order and IP requested 30 days to review the proposal. We appreciate your prompt response in this matter and upon review, we offer the following comments:

1. The settlement proposed during our meeting is an attempt by the Department to reach a mutually agreed voluntary resolution to the issues discussed during that meeting. The proposal will not become legally binding until a consent order has been signed by an authorized representative of IP and Colleen M. Castille, Secretary, Florida Department of Environmental Protection, and is then executed.
2. Documentation presented to the Department during the meeting indicates that, as IP asserts in paragraph 2, IP has taken prompt action to resolve all outstanding issues. As discussed during the meeting, a follow-up inspection will be conducted to confirm compliance with RCRA before issuing the proposed consent order.
3. In paragraph 3, IP makes two requests and further explains the reasons for those requests in paragraphs 4 & 5. After consideration, the Department finds the following:
  - a) IP requests "that the Department revise its justification of extent of deviation for the CESQG Disposal item to minor instead of major" for the following

reasons: 1) first occurrence, 2) deviation from normal waste management practices / no intentional mismanagement, 3) small volume of waste involved in the violation while a large quantity is properly managed, and 4) prompt action to ensure violations do not reoccur. As discussed during the meeting, Guidelines for Characterizing RCRA Violations, January 1999, is used for statewide consistency in justifying penalties. Penalty justification requires consideration of both the potential for harm and the extent of deviation. In determining the potential for harm; the class of waste, volume of waste, number of people potentially affected, and whether or not there was a release are all considered. By the guidance, a minor potential for harm is the appropriate assessment in this case. However, the guidance dictates a major extent of deviation for CESQG failure to ensure proper disposal. A reduction of the extent of deviation for this violation would be inconsistent with statewide guidance. The Department therefore maintains that the extent of deviation for the CESQG Disposal item is major.

- b) IP requests “that the Department manage the resolution of the subcontractor used oil issues separately with the contractor, Partridge-Sibley Industrial Services (SPIS).” As discussed during the meeting, the Department considers IP the principal responsible party for activities conducted on IP property. Management and disposal of hazardous waste, universal waste used oil and used oil filters generated on IP property by contractors is the responsibility of IP.

4. In paragraph 5, IP requests “that the Department revise its justification of extent of deviation for the contractor oil issue from major to minor.” The amount of used oil released to the ground was determined to be less than 25 gallons through visual inspection by Department representatives. In accordance with the Guidelines for Characterizing Used Oil Violations (January 1998), the Potential for Harm for failure to respond to a release of less than 25 gallons is minor and the Extent of Deviation is major. A reduction of the extent of deviation in this case would be inconsistent with statewide guidance. The Department therefore maintains that the extent of deviation for this matter is major.

5. In paragraph 6, IP requests “that the Department dismiss its request for penalties based upon the justification provided by IP.” The Department is required by EPA to assess penalties for violations of RCRA. In considering the actions documented by IP to resolve all issues promptly and ensure that they do not reoccur, a penalty reduction of up to 10% for good faith effort after the fact may be justified in this case. The reduction would apply to the civil penalty amount only and not Department cost and will be determined pending a follow-up inspection.

We hope this answers your questions, but if you still have questions concerning this or the Hazardous Waste program, please contact Melissa Woehle at 850/595-8360, extension 1251 or via email: [melissa.woehle@dep.state.fl.us](mailto:melissa.woehle@dep.state.fl.us)

Sincerely,

A handwritten signature in black ink, appearing to read "Michael S. Kennedy". The signature is fluid and cursive, with the first name "Michael" being the most prominent.

Michael S. Kennedy, P.G.  
Acting Program Administrator  
Waste Management

MSK:mwl