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February 28, 2006

Mr. Jim Byer
Hazardous Waste Section Supervisor
Waste Management Program
Florida Department of Environmental Protection
160 Government Center
Pensacola, Florida 32501-5794

Subject: Hazardous Waste Warning Letter Resolution

Thank you and your staff for meeting with us on February 2, 2006 to resolve the issues cited in the DEP warning letter dated January 10, 2006. I believe the Department and International Paper (IP) both felt the meeting was productive.

As noted in the discussions and information provided in our meeting, IP has taken prompt action to resolve all outstanding issues. The resolutions include improving procedures for the management of hazardous wastes, caustic solutions, used oil and filters, and universal wastes. The photos previously provided document the actions taken by IP such as the use of double-walled tanks, the re-labeling of containers, the lockout of drain valves, the use of separate closed containers for the different types of universal wastes, and the general and housekeeping improvements. We trust that the Department finds our prompt resolution of all issues acceptable. Please note that processes and procedures were in place prior to the Department's inspection. IP and its employees adhered to these requirements. This was documented by the existence of containers for the management of aerosols, used oil, filters, and universal wastes. The manifests reviewed by the Department during its inspections documented the disposition of hazardous wastes, used oil, filters, and universal wastes.

IP acknowledges that minor variances to its procedures were identified during the Department's inspections. IP does not contest that the assessment of minor potential for harm is justified based upon the guidelines used by the Department. IP also does not contest the minor extent of deviation assessed by the Department for the universal waste and used oil labeling items. However, IP respectfully requests that the Department revise its justification of extent of deviation for the CESQG Disposal item to minor instead of major. Furthermore, IP respectfully

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requests that the Department manage the resolution of the subcontractor used oil issues separately with the contractor Partridge-Sibley Industrial Services (PSIS).

We feel a minor extent of deviation for the CESQG disposal issues instead of a major extent of deviation is more reasonable for the following reasons. First, this was the first occurrence for the alleged violation. Second, the alleged violation was a deviation from IP's normal waste management practices. There was no intentional mismanagement by IP. Third, the quantities of materials were small, including one or two filters and broken lamps. We feel that these issues such as small quantities (one or two) of drained fuel filters, and broken fluorescent lamps in one area were a de minimus variance to the normal operations of the facility. As a reference to the order of magnitude of this de minimus variance, IP properly managed thousands of lamps as universal waste and hundreds of used oil filters as documented by IP's manifests. The amount of caustic solution discharged to IP's permitted wastewater treatment plant was small. We believe this was a onetime occurrence carried out by an operator to remedy a safety hazard after filling the container too full with virgin caustic feed. The operator emptied a small amount to the sewer drain to IP's wastewater treatment plant to provide head space for safe handling in the container. IP usually manages the caustic material as a substitute for a commercial product used in its industrial production processes. Fourth, IP has taken prompt actions to improve its waste management processes and procedures to ensure that these deviations do not reoccur. IP has taken great efforts to properly manage its wastes and maintain its CESQG status. We feel that the major category justification for extent of deviation should be reduced to minor.

IP respectfully requests that the Department revise its justification of extent of deviation for the contractor oil issues from major to minor. Furthermore, IP respectfully requests that the Department manage the resolution of these issues separately and directly with the contractor PSIS. The subcontractor's (PSIS) petroleum impacted soils constituted a small quantity of approximately four square feet. IP realizes it is prudent to take responsibility for its contractors' waste management. IP has contractual requirements specified for its subcontractors for proper waste management practices.

IP respectfully requests that the Department dismiss its request for penalties based upon the justifications provided by IP. These justifications include the reclassification of the extent of deviations from major to minor; the request for the Department to manage the contractor oil issues directly with the contractor PSIS; and the actions taken by IP to resolve all issues promptly, favorably, and ensure that they do not reoccur. As discussed in our previous meeting, the Department is welcome to conduct an on-site review of the resolution of these issues. Thank you in advance for reconsidering these justifications for the dismissal of the alleged violations. If you have any questions or require further information, please contact me at (850) 937-4868.

Sincerely,



Mike Steltenkamp
EHS Manager