



Florida Department of Environmental Protection

Southwest District Office
13051 North Telecom Parkway
Temple Terrace, Florida 33637-0926

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

CERTIFIED MAIL 7008 0150.0003 4893 9487
RETURN RECEIPT REQUESTED

October 31, 2008

W. Barry Olsen
Director of Safety and Compliance
Freehold Cartage, Inc.
PO Box 5010
Freehold, NJ 07728-5010

Re: Freehold Cartage, Inc. Bartow Facility
FLD 984 187 831
Warning Letter #WL08-0004HW53SWD
Polk County

Dear Mr. Olsen,

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 the matter. A hazardous waste program field inspection conducted on September 3, 2008 indicates that violations of Florida Statutes and Rules may exist at the above referenced facility. Department of Environmental Protection personnel made observations described in the attached inspection report.

Sections 403.161 and 403.727, Florida Statutes (F.S.) provides that it is a violation to fail to comply with rules adopted by the Department. The activities observed during the Department's field inspection and any other activities at your facility that may be contributing to violations of Florida Statutes or Department Rules should cease.

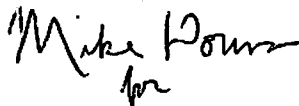
You are requested to contact Shannon Camp at (813)632-7600, extension 473 within fifteen (15) days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), F.S. If after further investigation the Department's preliminary findings are verified, this matter may be resolved through the entry of a Consent Order which will include a compliance schedule, an appropriate penalty, and reimbursement of the Department's costs and expenses. In accordance with

the United States Environmental Protection Agency's (EPA) RCRA Civil Penalty Policy, the penalties which would be assessed in this case are \$1,250.00. Costs and expenses in this case will be a minimum of \$300.00.

If this investigation confirms that your facility is significantly out of compliance, and the case is not resolved through timely entry of a Consent Order, under the Department's agreement with the EPA, a formal referral for judicial action must be made to the Department's Office of General Counsel. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely yours,



Deborah A. Getzoff
District Director
Southwest District

DAG/sdc

Attachments

cc: Mike Redig, HWR Section (Electronic)
Alan Annicella, USEPA Region IV (Electronic)
Andrea Stermer, Polk Co.
Michael Hirst, Freehold Cartage-Bartow
Compliance File

PENALTY COMPUTATION WORKSHEET

Violator's Name: Freehold Cartage, Inc.

Identify Violator's Facility: 175 Bartow Municipal Airport, Bartow, FL 33830 FLD 984 187 831

Name of Department Staff Responsible for the Penalty Computations: S. Camp

Case # WL08-0004HW53SWD Date: September 26, 2008

	Violation Type	Manual Guide	Potential for Harm	Extent of Deviation	Matrix Range	Total
1.	40 CFR 265.171 per 62-730.171(2)(a) FAC - storing HW in a severely rusted & leaking drum	HW 29	Minor	Moderate	\$1,933 - \$645	\$1,250
SUB-TOTAL						\$1,250
DEPARTMENT COSTS						\$300

Total Penalties Including Department Costs:

\$1,550.00

Mike Pournon for

 Deborah A Getzoff
 District Director
 Southwest District

10/31/08
 Date

Memorandum

Environmental Protection

SOUTHWEST DISTRICT ENFORCEMENT COVER MEMO

TO: hmo Deborah Getzoff, District Director
THROUGH: NWO William Kutash, Waste Program Administrator
JRD James Dregne, Hazardous Waste Program Manager 10/29
Elizabeth Knauss, HW Enforcement Coordinator
FROM: SLC Shannon Camp, Environmental Specialist

DATE: October 29, 2008

FILE NAME: Freehold Cartage, Inc. COUNTY: Polk

PROGRAM: Hazardous Waste

TYPE OF DOCUMENT: Warning Letter/ Penalty Computation Wkst/ Inspection Report

REQUESTED ACTION: Review/Signature

DESCRIPTION OF VIOLATIONS: storing hw in a severely rusted and leaking drum in the HW storage trailer

STATUS OF CORRECTIVE ACTIONS: The violation was corrected during the inspection.

STATUS OF PENALTY ASSESSMENT: Penalty was prepared in accordance with United States EPA RCRA Civil Penalty Policy.

PENALTY: [] Not Applicable Amount: \$1250
Costs & Expenses: \$300
Total: \$1550
Secretary Approval [X] Not required / Approved on _____

Attachments: