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May 15, 2002

Via: Facsimile and Certified Mail

Mr. John White, Environmental Specialist
 Florida Department of Environmental Protection
 Central District
 3319 Maguire Boulevard, Suite 232
 Orlando, FL 32803-3767

Re: Seminole County - HW
 Safety-Kleen Corp. Sanford Enforcement Case
 Our File No: 19207.002

Dear Mr. White:

Please allow this to introduce our firm as retained counsel on behalf of Safety-Kleen Corporation in the above referenced matter. In that capacity we have reviewed the inspection report, correspondence between the parties and applicable law.

A review of the materials which we have been provided indicates that the Safety-Kleen facility is and has been in full compliance when inspected eight times during the period from December 10, 1993 through March 12, 2001. During that nine year time period the facility was at no time found to be not in compliance. Safety-Kleen as a corporate entity has employed approximately thirty (30) to thirty five (35) Florida residents at that facility since March of 1993. Safety-Kleen Corporation has and continues to be an extremely conscientious permitted hazardous waste storage facility operator and hazardous waste transporter. The company has made significant efforts to comply with all Federal and State guidelines regarding the transportation, transfer and storage of hazardous waste materials. Most significantly, Safety-Kleen has never through its actions, created an environmental hazard or otherwise caused the State of Florida environment to be compromised in any way. This despite having a fleet of almost twenty trucks which deliver twenty or more services and transport per day to the facility. During the entire operation of the facility there have been no spills, accidents or other such events which might have posed a threat to Florida's environment.

Reviewed in its entirety, Safety-Kleen's history as a transporter, transfer facility and hazardous storage facility operator at this facility is exemplary. Indeed, in the matter which

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which is the subject of the hazardous waste inspection report dated August 10, 2001 the actions of Safety-Kleen in no way jeopardized or otherwise compromised the environment of the State of Florida. Numerous factors should be considered in mitigation of any penalty or fine to be levied against Safety-Kleen relevant to this report and subsequent warning letter. Specifically, is the generators' responsibility to make a hazardous waste determination pursuant to 40 CFR 262.11. Under that code section the generator is required to determine which portions of the hazardous regulations are applicable to it in its generator status. Upon formulating a determination as to its generator status it is the generators' responsibility to transport or offer for transport those materials pursuant to a prepared manifest. Small Quantity Generators are allowed to ship waste washer solvent to Safety-Kleen under the tolling agreement without a manifest pursuant to 40 CFR 262.20 (e) with conditionally Exempt Small Quantity Generators are only required to insure delivery to an authorized facility as per section 261.5(g)(3). It is our understanding that both contractors involved in this instance (Auto Skills Center and Dynacs), generate less than one hundred kgs/mo and are thereby conditionally Exempt Small Quantity Generators. While both generators are on NASA and Patrick Air Force Base sites and should have used their EPA identification numbers and manifests, these generators are certainly as culpable if not more so than Safety-Kleen for not identifying themselves as Large Quantity Generators and any paperwork identifying themselves as conditionally Exempt Small Quantity Generators. In fact, both of the above generators signed the paperwork at time of release of the materials to Safety-Kleen identifying themselves as conditionally Exempt Small Quantity Generators.

There was never any intent on the part of Safety-Kleen to conceal the fact that it was receiving the waste from the two subject generators (the paperwork trail is very clear and easy to follow) and Safety-Kleen had no incentive to receive the waste pursuant to a pre-printed form as opposed to a manifest. A review of both documents evidences that the same essential information is contained on the pre-print as on the manifest including shipping description, environmental protection agency codes and signatures.

The waste question was handled (i.e, recycled) in the same manner in which it would have been handled if it had been transported and received pursuant to a manifest. There was never any threatened or actual environmental harm.

The two generators in this case were not penalized in accordance with their self reporting actions. The Department's reference to a "history of non-compliance" involved an event which occurred in 1991. It is our understanding that Florida's penalty policy is only to consider violations which may have occurred within a five year period previous to the occurrence of the current violation. Safety-Kleen's record for the prior five year period is, again, exemplary. It appears that the Department, while apparently within its right to do so, has elected harsh implementation of a penalty which may amount to a double hit for the same violation, since Safety-Kleen was both the transporter and TSDf. in this instance.

Viewed in its totality, Safety-Kleen believes its exemplary record, steps taken to

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increase training and the very technical nature of this violation, should be considered in mitigation of the assessments levied in this instance. Based upon all of the foregoing, Safety-Kleen respectfully requests that the Department reconsider its position and abate any penalty assessment relative to the above technical violations.

This letter would be incomplete if it did not express to the Department the commitment of Safety-Kleen Corporation including its professionals and managers of Florida operations to the absolute protection of Florida's environment. The management and employees of Safety-Kleen Corporation are recognized throughout the industry for excellence in the transportation, transfer and storage of hazardous waste materials.

Thank you in advance for your time spent reviewing this correspondence and favorable consideration with respect to the issues discussed herein. Safety-Kleen Corporation management as well as myself welcome the opportunity to discuss this matter with you in person and believe that such dialogue will continue to foster a better relationship between the Department and Safety-Kleen. I look forward to speaking with you at your earliest convenience.

Very truly yours,

KATZ, BARRON, SQUITERO & FAUST, P.A.



Kenneth L. Bednar
For the Firm

KLB/ms

cc: Jim Childress
Craig Lackey