



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

DEC 24 2008

Stuart D. Boyd
Senior Vice President and General Counsel
Key Automotive of Florida, Inc.
5300 Allen K. Breed Highway
Lakeland, Florida 33811

RE: Key Automotive of Florida, Inc. - Executed Consent Agreement and Final Order, Docket No. RCRA-04-2009-4003(b).

Dear Mr. Boyd:

Please find enclosed a copy of the fully executed Consent Agreement and Final Order (CAFO) docketed RCRA-04-2009-4003(b). The CAFO was effective upon filing, and payment of the civil penalty of \$25,000 is due within thirty (30) days of this date.

Please do not hesitate to contact me at (404) 562-9539 with any questions concerning this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Bonnie Sawyer".

Bonnie Sawyer
Associate Regional Counsel

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF:)	Docket Number: RCRA-04-2009-4003(b)
)	
Key Automotive of Florida, Inc.)	Proceeding under Section 3008(a)
5300 Allen K. Breed Highway)	of the Resource Conservation and
Lakeland, Florida 33811)	Recovery Act, 42 U.S.C. § 6928(a)
)	
EPA ID No.: FLD063288245)	
)	
Respondent.)	
_____)	

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HEARINGS CLERK

CONSENT AGREEMENT

I. NATURE OF THE ACTION

1. This is a civil administrative enforcement action, ordering compliance with the requirements of Subtitle C of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6921, et seq., and the Florida Statutes (Fla. Stat.), Part IV Resource Recovery and Management, Section 403-702 et seq. (LEXIS 2006). This action is seeking the imposition of civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for alleged violations of RCRA and regulations promulgated pursuant thereto and set forth at Title 40 of the Code of Federal Regulations (C.F.R.), Parts 260 through 270, 273, and 279; and Fla. Stat. Section 403-702 et seq., and regulations promulgated pursuant thereto and set forth at the Florida Administrative Code Annotated Rules (Fla. Admin. Code Ann. r.) 62-710 and 62-730 et seq.
2. The Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22, provide that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order (CA/FO). 40 C.F.R. §§ 22.13(b) and 22.18(b)(2).
3. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R. § 22.18 and desire to settle this action. Accordingly, before any testimony has been taken upon the pleadings and without any admission of violation or adjudication of any issue of fact or law, and in accordance with 40 C.F.R. § 22.13(b), Complainant and Respondent have agreed to the execution of this CA/FO, and Respondent hereby agrees to comply with the terms of this CA/FO.

II. THE PARTIES

4. Complainant is the Chief, RCRA and OPA Enforcement and Compliance Branch, RCRA Division, Region 4, United States Environmental Protection Agency (EPA).

5. Respondent is Key Automotive of Florida , Inc., a corporation doing business in the State of Florida. Respondent operates a facility at 5300 Allen K. Breed Highway, Lakeland, Florida 33811.

III. PRELIMINARY STATEMENTS

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), on February 12, 1985, the State of Florida (the State) received final authorization from EPA to enforce certain portions of the State hazardous waste program in lieu of the federal program set forth in RCRA. The requirements of the authorized State program are found in Fla. Stat. Sections § 403.702 et seq. and Fla. Admin. Code Ann. r. 62-730 et seq.
7. Pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, in January 1994 and October 2001, the State received final authorization from EPA to carry out the used oil management program in lieu of the federal program set forth in RCRA. The requirements of the authorized State's used oil management program are found in Fla. Stat. Sections § 403.702 et seq. and Fla. Admin. Code Ann. r. 62-710 and 62-730 et seq.
8. Pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, in June 1997, the State received final authorization from EPA to carry out the universal waste management program in lieu of the federal program set forth in RCRA. The requirements of the authorized State's universal waste management program are found in Fla. Stat. Sections § 403.702 et seq., and Fla. Admin. Code Ann. r. 62-730 et seq.
9. Although EPA has granted the State of Florida authority to enforce its own hazardous waste program, EPA retains jurisdiction and authority to initiate an independent enforcement action pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2). This authority is exercised by EPA in the manner set forth in the Memorandum of Agreement between EPA and the State of Florida.
10. Pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), Complainant has given notice of this action to the State of Florida before issuance of this CA/FO.
11. Pursuant to 40 C.F.R. § 261.2, as adopted by reference in Fla. Admin. Code Ann. r. 62-730.020, a "solid waste" is any discarded material that is not otherwise excluded by regulation.
12. Pursuant to 40 C.F.R. § 261.3, as adopted by reference in Fla. Admin. Code Ann. r. 62-730.020, a solid waste is a "hazardous waste" if it is not excluded from regulation as a hazardous waste under 40 C.F.R. § 261.4(b) and Fla. Admin. Code Ann. r. 62-730.030, and it meets any of the criteria set out in this section.
13. Pursuant to 40 C.F.R. § 260.10, as adopted by reference in Fla. Admin. Code Ann. r. 62-730.020, a "generator" is defined as "any person, by site, whose act or process produces hazardous waste identified or listed in part 261 of this chapter or whose act first causes a hazardous waste to become subject to regulation."
14. Pursuant to 40 C.F.R. § 260.10, as adopted by reference in Fla. Admin. Code Ann. r. 62-

730.020, a “small quantity generator” is defined as “a generator who generates less than 1,000 kilograms of hazardous waste in a calendar month.”

15. Pursuant to 40 C.F.R. § 261.5(a), as adopted by reference in Fla. Admin. Code Ann. r. 62-730.030, a generator is a conditionally exempt small quantity generator if he generates no more than 100 kilograms of hazardous waste in a calendar month.
16. Section 3002(a) of RCRA, 42 U.S.C. § 6922(a), and Fla. Stat. Section 403-721, *et seq.*, sets forth standards applicable to generators of hazardous waste. The implementing regulations for these requirements are found in 40 C.F.R. Part 262, as adopted by reference in Fla. Admin. Code Ann. r. 62-730.160.
17. Pursuant to 40 C.F.R. § 262.10(b), as adopted by reference in Fla. Admin. Code Ann. r. 62-730.160, a generator must use 40 C.F.R. § 261.5(c) and (d) to determine the applicability of provisions of this part that are dependent on calculations of the quantity of hazardous waste generated per month.
18. Pursuant to 40 C.F.R. § 262.11, as adopted by reference in Fla. Admin. Code Ann. r. 62-730.160, a person who generates a solid waste as defined in 40 C.F.R. § 261.2 must determine if that waste is a hazardous waste using the methods listed in this section.
19. Pursuant to 40 C.F.R. § 262.34(c)(1), as adopted by reference in Fla. Admin. Code Ann. r. 62-730.160, a generator may accumulate as much as 55 gallons of hazardous waste in containers at or near the point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or interim status provided he meets the requirements of this section.
20. Pursuant to 40 C.F.R. § 265.173, as adopted by reference in Fla. Admin. Code Ann. r. 62-730.180, a generator of hazardous waste may accumulate hazardous waste on site for 90 days or less without a permit or without having interim status provided the generator keeps containers holding hazardous waste closed during storage, except when it is necessary to add or remove waste.
21. Pursuant to 40 C.F.R. § 265.174, as adopted by reference in Fla. Admin. Code Ann. r. 62-730.180, a generator of hazardous waste may accumulate hazardous waste on site for 90 days or less without a permit or without having interim status provided the generator inspects areas where containers are stored at least weekly.
22. Pursuant to 40 C.F.R. § 273.9, as adopted by reference in Fla. Admin. Code Ann. r. 62-730.185, a “small quantity handler of universal waste” is defined as a universal waste handler who does not accumulate 5,000 kilograms or more of universal waste at any time.
23. Pursuant to 40 C.F.R. § 273.14(e), as adopted by reference in Fla. Admin. Code Ann. r. 62-730.185, a small quantity handler of universal waste lamps must label or mark each lamp or container or package in which such lamps are contained with one of the following phrases: “Universal Waste—Lamp(s),” or “Waste Lamp(s),” or “Used Lamp(s).”
24. Pursuant to 40 C.F.R. § 273.13(d)(1), as adopted by reference in Fla. Admin. Code Ann. r.

62-730.185, a small quantity handler of universal waste lamps must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

25. Pursuant to 40 C.F.R. § 279.9, as adopted by reference in Fla. Admin. Code Ann. r. 62-710.210, “used oil” means “any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities.”
26. Pursuant to 40 C.F.R. § 279.9, as adopted by reference in Fla. Admin. Code Ann. r. 62-710.210, “used oil generator” means “any person, by site, whose act or process produces used oil or whose act first causes used oil to become subject to regulation.”
27. Pursuant to 40 C.F.R. § 279.22(c)(1), as adopted by reference in Fla. Admin. Code Ann. r. 62-710.210, containers and aboveground storage tanks used to store used oil at used oil generator facilities must be labeled or marked clearly with the words “Used Oil.”

IV. EPA ALLEGATIONS AND DETERMINATIONS

28. Respondent is a “person” as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and 40 C.F.R. § 260.10, as adopted by reference in Fla. Admin. Code Ann. r. 62-730.020.
29. Respondent is the “owner” and “operator” of a “facility” located at 5300 Allen K. Breed Highway, Lakeland, Florida as those terms are defined in 40 C.F.R. § 260.10, as adopted by reference in Fla. Admin. Code Ann. r. 62-730.020.
30. On November 28 and 29, 2007, a representative of EPA and representatives of the State performed a RCRA compliance evaluation inspection (CEI) of Respondent’s Facility.
31. Respondent, as a result of facility operations, is a generator of hazardous waste. Respondent generates greater than 1,000 kilograms of hazardous waste in a calendar month.
32. At the time of the CEI, an employee of Respondent had signed a document attesting that the Facility was a conditionally exempt small quantity generator. EPA has determined the Respondent is not a conditionally exempt small quantity generator. EPA therefore alleges the Respondent violated 40 C.F.R. § 262.10(b), and Fla. Admin. Code Ann. r. 62-730.160 by not using 40 C.F.R. § 261.5(c) and (d) to determine the applicability of the Part.
33. At the time of the CEI, Respondent had shipped oil off-site on October 12, 2007, without making a hazardous waste determination. EPA therefore alleges the Respondent has violated 40 C.F.R. § 262.11 and Fla. Admin. Code Ann. r. 62-730.160 by failing to make a hazardous waste determination for the shipment of oil.
34. At the time of the CEI, Respondent was storing hazardous waste in satellite accumulation containers that were open. EPA therefore alleges the Respondent has violated Section 3005 of RCRA, 42 U.S.C. § 6925, as adopted in Fla. Stat. Section 403-722, et seq. for

storing/treating hazardous waste without a permit or interim status because the Respondent failed to adhere to a condition for permit exemption found in 40 C.F.R. § 262.34(c)(1), as adopted by reference in Fla. Admin. Code Ann. r. 62-730.160.

35. At the time of the CEI, Respondent was accumulating hazardous waste in containers that were open. EPA therefore alleges the Respondent has violated Section 3005 of RCRA, 42 U.S.C. § 6925, as adopted in Fla. Stat. Section 403-722, et seq. for storing/treating hazardous waste without a permit or interim status because the Respondent failed to adhere to a condition for permit exemption found in 40 C.F.R. § 265.173, as adopted by reference in Fla. Admin. Code Ann. r. 62-730.180.
36. At the time of the CEI, Respondent did not inspect areas where containers were being stored for three weeks in June 2007. EPA therefore alleges that Respondent has violated Section 3005 of RCRA, 42 U.S.C. § 6925, as adopted in Fla. Stat. Section 403-722, et seq. for storing/treating hazardous waste without a permit or interim status because the Respondent failed to adhere to a condition for permit exemption found in 40 C.F.R. § 265.174, and Fla. Admin. Code Ann. r. 62-730.180.
37. Respondent, as a result of facility operations, is a “small quantity handler of universal waste” as defined in 40 C.F.R. § 273.9, and Fla. Admin. Code Ann. r. 62-730.185.
38. At the time of the CEI, Respondent had not labeled universal waste lamps or containers or packages in which they were stored with one on the following phrases: “Universal Waste—Lamp(s),” or “Waste Lamp(s),” or “Used Lamp(s).” EPA therefore alleges the Respondent has violated 40 C.F.R. § 273.14(e), and Fla. Admin. Code Ann. r. 62-730.185.
39. At the time of the CEI, Respondent was not storing universal waste lamps in closed containers that were structurally sound and adequate to prevent breakage. EPA therefore alleges the Respondent has violated 40 C.F.R. § 273.13(d)(1), and Fla. Admin. Code Ann. r. 62-730.185.
40. Respondent, as a result of facility operations, is a “used oil generator” as defined in 40 C.F.R. § 279.9, as adopted by reference in Fla. Admin. Code Ann. r. 62-710.210.
41. At the time of the CEI, Respondent was not storing used oil in containers with the words “Used Oil.” EPA therefore alleges that Respondent has violated 40 C.F.R. § 279.22(c)(1), and Fla. Admin. Code Ann. r. 62-710.210.

V. TERMS OF AGREEMENT

Based on the foregoing Allegations and Determinations, the parties agree to the following:

42. For the purpose of this CA/FO, Respondent admits the jurisdictional allegations set out above.
43. Pursuant to 40 C.F.R. § 22.18(b)(2), Respondent neither admits nor denies the factual allegations contained in this CA/FO.

44. Pursuant to 40 C.F.R. § 22.18(b)(2), Respondent waives its right to contest the allegations contained herein, and its right to appeal this CA/FO.
45. Respondent waives its right to challenge the validity of this CA/FO and the settlement of the violations alleged herein, on the basis of any issue related to the Paperwork Reduction Act.
46. Respondent waives any right it may have pursuant to 40 C.F.R. § 22.8 to be present during any discussions with, or to be served with and reply to, any memorandum or communication addressed to EPA officials where the purpose of such discussion, memorandum or communication is to persuade such official to accept and issue this CA/FO.
47. The parties agree that the settlement of this matter is in the public interest and that this CA/FO is consistent with the applicable requirements of RCRA.
48. The parties agree that they will pay their own costs and attorney's fees.
49. Respondent, by signing this CA/FO, certifies that all violations alleged in this CA/FO have been corrected.

VI. CIVIL PENALTY

50. Respondent consents to the payment of a civil penalty in the amount of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) within thirty (30) calendar days of the effective date of this CA/FO.
51. Payment shall be made by cashier's check, certified check, by electronic funds transfer (EFT), or by Automated Clearhouse (ACH) (also known as REX or remittance express). If paying by check, the check shall be payable to: Treasurer, United States of America, and the facility name and docket number for this matter shall be referenced on the face of the check. If the Respondent sends payment by the U.S. Postal Service, the payment shall be addressed to:

United States Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

If the Respondent sends payment by non-U.S. Postal express mail delivery, the payment shall be sent to:

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines & Penalties
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101
(314) 418-1028

If paying by EFT, the Respondent shall transfer the payment to:

Federal Reserve Bank of New York
ABA: 021030004
Account Number: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York NY 10045
Field Tag 4200 of the Fedwire message should read:
"D 68010727 Environmental Protection Agency"

If paying by ACH, the Respondent shall remit payment to:

PNC Bank
ABA: 051036706
Account Number: 310006
CTX Format Transaction Code 22 – checking
Environmental Protection Agency
808 17th Street NW
Washington, DC 20074
Contact: Jesse White, (301) 887-6548

Respondent shall submit a copy of each payment to the following addressees:

Regional Hearing Clerk
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

and to:

Frank Ney, Acting Chief
South Section - RCRA and OPA Enforcement and Compliance Branch
RCRA Division
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

52. If Respondent fails to remit the civil penalty as agreed to herein, EPA is required to assess interest and penalties on debts owed to the United States and a charge to cover the costs of processing and handling the delinquent claim. See 40 C.F.R. § 13.11 (b) and (c). Interest, at the statutory judgment rate provided for in 31 U.S.C. § 3717, will therefore begin to accrue on the civil penalty if not paid within thirty (30) calendar days after the effective date of this CA/FO. Pursuant to 31 U.S.C. § 3717, Respondent must pay the following amounts on any amount overdue:
- a. Interest. Any unpaid portion of a civil penalty must bear interest at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). Interest will therefore begin to accrue on a civil penalty or stipulated penalty if it

is not paid by the last date required. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 4 C.F.R. § 102.13(c).

- b. Monthly Handling Charge. Respondent must pay a late payment handling charge of \$15.00 on any late payment, with an additional charge of \$15.00 for each subsequent thirty (30) calendar day period over which an unpaid balance remains.
- c. Non-Payment Penalty. On any portion of a civil penalty more than ninety (90) calendar days past due, Respondent must pay a non-payment penalty of six percent per annum, which will accrue from the date the penalty payment became due and is not paid. This non-payment is in addition to charges which accrue or may accrue under subparagraphs (a) and (b).

53. Penalties paid pursuant to this CA/FO are not deductible for federal purposes under 28 U.S.C. § 162(f).

VII. PARTIES BOUND

54. This CA/FO shall apply to and be binding upon Respondent and its successors and assigns. Respondent shall cause its officers, directors, employees, and agents, and all persons, including independent contractors, contractors, and consultants acting under or for Respondent, to comply with the provisions hereof in connection with any activity subject to this CA/FO.
55. No change in ownership, partnership, corporate or legal status relating to the facility will in any way alter Respondent's obligations and responsibilities under this CA/FO.
56. The undersigned representative of Respondent hereby certifies that she or he is fully authorized to enter the terms and conditions of this CA/FO and to execute and legally bind Respondent to this CA/FO.

VIII. RESERVATION OF RIGHTS

57. Complainant reserves the right to take enforcement action against Respondent for any future violations of RCRA and its implementing regulations and to enforce the terms and conditions of this CA/FO. Respondent reserves the right to raise any and all applicable defenses to any enforcement action for alleged future violations of RCRA. If Respondent is charged with violation of this CA/FO, Respondent does not waive its right to prove compliance with the terms of this CA/FO.
58. Except as expressly provided herein, nothing in this CA/FO shall constitute or be construed as a release from any claim (civil or criminal), cause of action, or demand in law or equity by or against any person, firm, partnership, entity or corporation for any liability it may have arising out of or relating in any way to the generation, storage, treatment, handling, transportation, release or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants or contaminants found at, taken to, or taken from Respondent's facility.

59. Notwithstanding any other provisions of the CA/FO, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, or other statutory authority, should EPA find that the future handling, storage, treatment, transportation, or disposal of solid waste or hazardous waste at Respondent's facility may present an imminent and substantial endangerment to human health or the environment.
60. This CA/FO may be amended or modified only by written agreement executed by both EPA and Respondent.
61. The headings in this CA/FO are for convenience of reference only and shall not affect interpretation of this CA/FO.
62. The provisions of this CA/FO shall be deemed satisfied upon Respondent's full implementation of the actions required in this CA/FO.

IX. OTHER APPLICABLE LAWS

63. All actions required to be taken pursuant to this CA/FO shall be undertaken in accordance with the requirements of all applicable local, state and Federal laws and regulations. Respondent shall obtain or cause its representatives to obtain all permits and approvals necessary under such laws and regulations.

X. SERVICE OF DOCUMENTS

64. A copy of any legal documents that Respondent files in this action should be sent to the following attorney who represents EPA in this matter and who is authorized to receive service for EPA in this proceeding:

Bonnie Sawyer, Associate Regional Counsel
U.S. Environmental Protection Agency, Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, Georgia 30303
(404) 562-9539

65. A copy of any documents that Complainant files in this action shall be sent to the following person who represents Respondent in this matter and who is authorized to receive service for Respondent in this proceeding:

Stuart D. Boyd, Senior Vice President and General Counsel
Key Automotive of Florida, Inc.
5300 Allen K. Breed Highway
Lakeland, Florida 33811

XI. SEVERABILITY

66. It is the intent of the parties that the provisions of this CA/FO are severable. If any provision or authority of this CA/FO or the application of this CA/FO to any party or circumstances is held by any judicial or administrative authority to be invalid or unenforceable, the application


of such provisions to other parties or circumstances and the remainder of the CA/FO shall remain in force and shall not be affected thereby.

XII. EFFECTIVE DATE

67. The effective date of this CA/FO shall be the date on which the CA/FO is filed with the Regional Hearing Clerk.

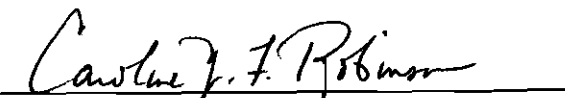
AGREED AND CONSENTED TO:

Key Automotive of Florida, Inc.

By: 
Stuart D. Boyd
Senior Vice President and General Counsel

Dated: 12/11/08

U.S. Environmental Protection Agency

By: 
Caroline Y.F. Robinson, Chief
RCRA and OPA Enforcement and Compliance Branch
RCRA Division

Dated: 12/16/08

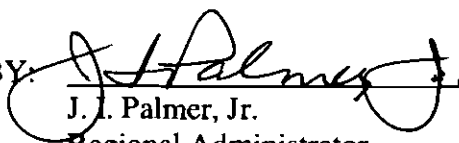
**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF:)	Docket Number: RCRA-04-2009-4003(b)
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Key Automotive of Florida , Inc.)	Proceeding under Section 3008(a)
5300 Allen K. Breed Highway)	of the Resource Conservation and
Lakeland, Florida 33811)	Recovery Act, 42 U.S.C. § 6928(a)
)	
EPA ID No.: FLD063288245)	
)	
Respondent.)	
_____)	

FINAL ORDER

The foregoing Consent Agreement is hereby approved, ratified and incorporated by reference into this Final Order in accordance with the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, 40 C.F.R. Part 22. The Respondent is hereby ORDERED to comply with all of the terms of the foregoing Consent Agreement effective immediately upon filing of this Consent Agreement and Final Order with the Regional Hearing Clerk. This Order disposes of this matter pursuant to 40 C.F.R. §§ 22.18 and 22.31.

BEING AGREED, IT IS SO ORDERED this 22nd day of December, 2008.

BY: 
J. J. Palmer, Jr.
Regional Administrator
EPA Region 4

CERTIFICATE OF SERVICE

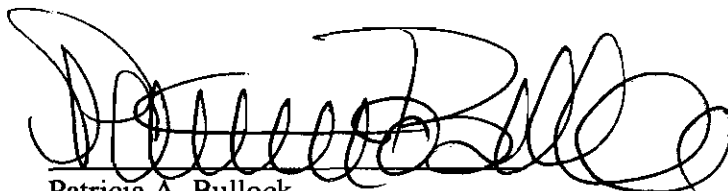
I hereby certify that I have this day served a true and correct copy of the foregoing Consent Agreement and the attached Final Order (CA/FO), in the Matter of Key Automotive of Florida, Inc., Docket Number: RCRA-04-2009-4003(b), on the parties listed below in the manner indicated:

Bonnie Sawyer, (Via EPA's internal mail)
OEA - 13th Floor
U.S. EPA - Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, Georgia 30303

Key Automotive of Florida, Inc.
Stuart D. Boyd
Senior Vice President and General Counsel
5300 Allen K. Breed Highway
Lakeland, Florida 33811

(Via Certified Mail- Return Receipt Requested)

Date 12-24-08



Patricia A. Bullock
Regional Hearing Clerk
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, GA 30303
(404) 562-9511