



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

DEC 22 2009

Kristina Raattama, Esq.
Senior University Counsel
University of Florida
Office of the Vice President and General Counsel
P.O. Box 113125
Gainesville, Florida 32611-3125

Re: University of Florida, Gainesville, Florida
Consent Agreement and Final Order, Docket No. RCRA-04-2009-4257(b)

Dear Ms. Raattama:

Enclosed please find the fully executed Consent Agreement and Final Order (CA/FO) referenced above. Please note that pursuant to paragraphs 55, and 70, payment is due within thirty days of the effective date of the CA/FO. Thank you for your help in concluding this matter.

Sincerely,

A handwritten signature in cursive script that reads "D. Benjamin".

Deborah Benjamin
Associate Regional Counsel

Enclosure

Internet Address (URL) • <http://www.epa.gov>

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF:)	Docket No: RCRA-04-2009-4257(b)
)	
The University of Florida Board of Trustees)	Proceeding under Section 3008(a)
(commonly known as University of Florida))	of the Resource Conservation and
Main Campus)	Recovery Act, 42 U.S.C. § 6928(a)
Gainesville, Florida 32611-2725)	
)	
EPA ID No.: FLD 000 823 393)	
)	
Respondent)	
_____)	

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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.), Chapter 403, Part IV Resource Recovery and Management, Section 403.702 et seq. (2009). 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., Chapter 403, Part IV, 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 The University of Florida Board of Trustees, commonly known as the University of Florida (UF), an institution of higher education, research and service, that is a public body corporate of the State of Florida, located in Gainesville, Florida.

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. § 403.702 *et seq.* and Fla. Admin. Code Ann. r. 62-730 *et seq.*
7. Pursuant to Section 3006(g) of RCRA, 42 U.S.C. § 6926(g), the requirements established by the Hazardous and Solid Waste Amendments of 1984 (HSWA), Pub. L. 98-616, are immediately effective in all states upon their federal effective date regardless of the State's authorization status. On November 17, 2000, the State of Florida received authorization under HSWA.
8. Although EPA has granted the State authority to enforce its own hazardous waste program, EPA retains jurisdiction and authority to initiate an independent enforcement action, pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). EPA exercises this authority in the manner set forth in the Memorandum of Agreement between EPA and the State.
9. 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 before issuance of this CA/FO.
10. Section 3002(a) of RCRA, 42 U.S.C. § 6922(a), sets forth standards applicable to generators of hazardous waste. The implementing regulations for generators of hazardous waste requirements are found in 40 C.F.R. Part 262 (Fla. Admin. Code Ann. r. 62-730.160), and became effective on September 10, 1992, and the Florida regulations became enforceable by EPA on February 12, 1985, when the State received final authorization for 40 C.F.R. Parts 124, 260 through 265 and 270.
11. Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), sets forth the requirements for facilities that treat, store, or dispose of hazardous waste, and prohibits the treatment, storage, or disposal of hazardous waste without interim status or a permit issued pursuant to RCRA. The implementing regulations for this requirement are found in 40 C.F.R. Parts 124, 264, 265 and 270. The regulations became effective on

November 19, 1980, and the State regulations became enforceable by EPA on February 12, 1985, when the State received final authorization for 40 C.F.R. Parts 124, 260 through 265, and 270.

12. 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.”
13. 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 must determine if that waste is a hazardous waste.
14. Pursuant to 40 C.F.R. § 262.34(a), as adopted by reference in Fla. Admin. Code Ann. r. 62-730.160, a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status provided that the generator meets the requirements of this section.
15. Pursuant to 40 C.F.R. § 261.20, as adopted by reference in Fla. Admin. Code Ann. r. 62-730.030, a solid waste that exhibits any of the characteristics in 40 C.F.R. § 261.21 through 24 is a characteristic hazardous waste.
16. Pursuant to 40 C.F.R. § 261.30, as adopted by reference in Fla. Admin. Code Ann. r. 62-730.030, a solid waste that is listed in Subpart D of 40 C.F.R. Part 260, is a listed hazardous waste.
17. 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. § 403.702 et seq., and Fla. Admin. Code Ann. r. 62-710 and 62-730 et seq.
18. 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 above-ground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words “Used Oil.”
19. 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.
20. Pursuant to 40 C.F.R. § 273.14(a), as adopted by reference in Fla. Admin. Code Ann. r. 62-730.185, a small quantity handler of universal waste must label or mark clearly each battery, or container in which the batteries are contained, with one of

the following phrases: "Universal Waste-Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)."

IV. EPA ALLEGATIONS

21. Respondent is a "person" as defined in 40 C.F.R. § 260.10, as adopted by reference in Fla. Admin. Code Ann. r. 62-730.020.
22. Respondent is the "owner" and "operator" of a "facility" located in Gainesville, 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.
23. On March 24 and 25, 2008, representatives of EPA and the Florida Department of Environmental Protection (FDEP) performed a RCRA compliance evaluation inspection (CEI) of the facility. The CEI focused on Building 704 (the Grounds Department), Building 702 (which includes the Paint Department/Roofing and Sheet Metal Shop/HVAC Repair/Electrical/Cabinet Shop/Carpenter Shop), the Motor Pool, and Building 831 (the Permitted Storage Area). The findings of the CEI were documented in a RCRA inspection report dated June 9, 2008.
24. EPA's RCRA inspection report states that in Building 704 (the Grounds Department), and Building 702 (which includes the Paint Department/Roofing and Sheet Metal Shop/HVAC Repair/Electrical/Cabinet Shop/Carpenter Shop), Respondent had generated the following solid wastes which were hazardous wastes: spent solvents; spent gasoline; paint wastes; paint booth filters; spent mineral spirits; spent paint brushes; spent rags. These waste streams are classified as listed hazardous wastes (and include the EPA hazardous waste code F002), and/or are characteristic hazardous wastes (and include the EPA hazardous waste codes D001, D018, and D039).
25. Respondent generates wastes that are "solid wastes" and "hazardous wastes" as defined in 40 C.F.R. §§ 261.2 and 261.3, as adopted by reference in Fla. Admin. Code Ann. r. 62-730.030.
26. Respondent generates greater than 1,000 kilograms of hazardous waste in a calendar month, thus making Respondent subject to the requirements in 262.34(a), as adopted by reference in Fla. Admin. Code Ann. r. 62-730.160.
27. Respondent has a permit for container storage of hazardous waste in Building 831 (the Permitted Storage Area), and for HSWA corrective action.
28. At the time of the CEI, a hazardous waste determination had not been made on paint waste located in a plastic bin outside of Building 702 (Paint Department area). Based on Material Safety Data Sheets, some of that paint waste may have been ignitable.

29. At the time of the CEI, a hazardous waste determination had not been made on sludge generated in a parts washer, which was disposed of in the used oil tank located in the Motor Pool.
30. Thus, with respect to paragraphs 28 and 29 above, EPA alleges that Respondent was in violation of 40 C.F.R. § 262.11, as adopted by reference in Fla. Admin. Code Ann. r. 62-730.160 by failing to make a hazardous waste determination.
31. At the time of the CEI, two 5-gallon satellite accumulation containers of hazardous waste (bad gasoline) within Building 704 (Grounds Department) were not labeled or marked clearly with the words "Hazardous Waste" or with other words that identified the contents of the containers.
32. At the time of the CEI, a 55-gallon satellite accumulation container of mineral spirits and a 30-gallon satellite accumulation container of paint waste, located outside of Building 702 (Paint Department), were not labeled or marked clearly with the words "Hazardous Waste" or with other words that identified the contents of the containers. One of the containers was open, and the other was not properly closed (drum ring not secure).
33. Thus, with respect to paragraphs 31 and 32 above, EPA alleges that Respondent was in violation of Section 3005 of RCRA, 42 U.S.C. § 6925, as adopted in Fla. Stat. Section 403-722, et seq., because the Respondent failed to adhere to a condition for permit exemption found in 40 C.F.R. § 262.34(c)(1)(ii), as adopted by reference in Fla. Admin. Code Ann. r. 62-730.160, for failing to mark satellite accumulation containers of hazardous waste with the words "Hazardous Waste" or with other words that identified the contents of the container.
34. Thus, with respect to paragraph 32 above, EPA alleges that Respondent was also in violation of Section 3005 of RCRA, 42 U.S.C. § 6925, as adopted in Fla. Stat. Section 403-722, et seq., because the Respondent failed to adhere to a condition for permit exemption found in 40 C.F.R. § 262.34(c)(1)(i), as adopted by reference in Fla. Admin. Code Ann. r. 62-730.160, for failing to keep satellite accumulation containers of hazardous waste closed during storage.
35. At the time of the CEI, a used oil container located outside of Building 702 (HVAC Repair), closed and located within a containment bin, was not labeled.
36. At the time of the CEI, several portable used oil containers located in the Motor Pool, used for collecting oil drained from vehicles, were not labeled.
37. Thus, with respect to paragraphs 35 and 36 above, EPA alleges that Respondent was in violation of 40 C.F.R. § 279.22(c)(1), as adopted by reference in Fla. Admin. Code Ann. r. 62-710.210, for failing to label or mark clearly the used oil containers with the words "Used Oil."

38. At the time of the CEI, a container of universal waste batteries (including AA, nickel-cadmium, and D cell batteries) located in the hallway of Building 702 (by the Mason/CARP cabinet shop), was labeled with the words "Dry-Cell Batteries and Non-Regulated Waste."
39. Thus, EPA alleges that Respondent was in violation of 40 C.F.R. § 273.14(a), as adopted by reference in Fla. Admin. Code Ann. r. 62-730.185, for failing to label or mark clearly, each battery or container in which the batteries are contained, with one of the following phrases: "Universal Waste-Battery(ies)," "Waste Battery(ies)," or "Used Battery(ies)."
40. At the time of the CEI, Respondent's practice was to clean the engines of weed eaters, and the engines and transmissions on lawn mowers, with a cleaning solvent called ZEP Formula 768, which contained 20%-30% tetrachloroethylene (PCE), on an outdoor concrete pad. Drippings and overspray of the cleaning solvent on the concrete pad were not collected.
41. The Material Safety Data Sheet for ZEP Formula 768 indicates that the following waste stream codes should be used for disposal purposes: D001 (hazardous waste characteristic for ignitability), pursuant to 40 C.F.R. § 261.21, and D039 (hazardous waste characteristic for PCE), pursuant to 40 C.F.R. § 261.24, both definitions as adopted by reference in Fla. Admin. Code Ann. r. 62-730.030.
42. EPA alleges that, based on the concentration of PCE in the ZEP Formula 768, spent ZEP Formula 768 meets the definition of F002 (hazardous waste from a non-specific source listed for toxicity), pursuant to 40 C.F.R. §261.31, as adopted by reference in Fla. Admin. Code Ann. r. 62-730.030.
43. Analytical results from soil samples collected near the concrete pad indicated concentrations of PCE exceeded the FDEP Soil Cleanup Target Level, established in Fla. Admin. Code Ann. r. 777, Table 11, for leachability.
44. Analytical results from a groundwater sample collected near the concrete pad indicated that the concentration of PCE exceeded the FDEP Groundwater Cleanup Target Level, established in Fla. Admin. Code Ann. r. 777, Table I. EPA alleges that these detections of PCE in soil and groundwater resulted from Respondent's use of ZEP Formula 768.
45. Thus, EPA alleges that Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925, as adopted by reference in Fla. Stat. Section 403.722, *et seq.*, by disposing of hazardous waste without a permit or interim status, in violation of requirements found at 40 C.F.R. Parts 260-270, as adopted by reference in Fla. Admin. Code Ann. r. 62-730.

V. TERMS OF AGREEMENT

Based on the foregoing Preliminary Statements and Allegations, and the agreement of Complainant and Respondent in this CA/FO, the parties agree to the following:

46. For the purposes of this CA/FO, Respondent admits the jurisdictional allegations set out above.
47. Pursuant to 40 C.F.R. § 22.18(b)(2), Respondent neither admits nor denies the factual allegations contained in this CA/FO, and seeks to settle the matter without the cost of future proceedings.
48. 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.
49. Respondent waives its right to challenge the validity of this CA/FO and the settlement of the matters addressed in this CA/FO based on any issue related to the Paperwork Reduction Act.
50. 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.
51. 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.
52. The parties agree that compliance with the terms of this CA/FO shall resolve the violations of RCRA and the Florida Statutes alleged in the RCRA inspection report dated June 9, 2008, including those restated in this CA/FO. Except as expressly provided in the Reservation of Rights section herein, Complainant hereby releases any and all civil claims for penalties arising out of the allegations contained in the RCRA inspection report dated June 9, 2008, including those restated in this CA/FO, pursuant to RCRA Section 3008(a), and the accompanying Florida Statutes, as to Respondent (including Respondent's former, current, and future successors, assigns, officers, trustees, attorneys, employees, agents, and contractors).
53. Each party will pay its own costs and attorney's fees.

V(A). DEMONSTRATION OF COMPLIANCE

54. Without admitting any violation, Respondent has certified that all violations alleged in Part IV of this CA/FO have been corrected.

V(B). PAYMENT OF CIVIL PENALTY

55. Respondent consents to the payment of a civil penalty in the amount of **one hundred and seventy five thousand dollars (\$175,000)** within thirty (30) calendar days of the effective date of this CA/FO.
56. 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, Missouri 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, New York 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:

Larry L. Lamberth, Chief
South Section
RCRA and OPA Enforcement and Compliance Branch
RCRA Division
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8909

57. 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. 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 30 calendar days after the effective date of this Consent Agreement. 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 30 calendar day period over which an unpaid balance remains.
 - (c) Non-Payment Penalty. On any portion of a civil penalty more than 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).

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

VI. RESERVATION OF RIGHTS

59. Notwithstanding any other provision of this CA/FO, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, or other statutory authority, should the EPA find that the 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. Complainant reserves the right to take enforcement action against Respondent for any future violations of RCRA and the implementing regulations and to enforce the terms and conditions of this CA/FO. Respondent reserves the right to defend and assert rights it has otherwise released or waived hereunder in response to any action taken under Paragraphs 59 and 60 herein, not including any action to enforce the terms and conditions of this CA/FO.
61. Except as expressly provided in this CA/FO, nothing in this CA/FO shall constitute or be construed as a release from any civil or criminal claim, cause of action or demand in law or equity for any liability Respondent may have arising out of, or relating in any way to, the 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.
62. This CA/FO may be amended or modified only by written agreement executed by both the EPA and Respondent.

VII. 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

VIII. PARTIES BOUND

64. This CA/FO shall be binding upon Respondent and its successors and assigns.
65. 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.

66. The undersigned representative of Respondent hereby certifies that she or he is fully authorized to enter into this CA/FO and to execute and legally bind Respondent to it.

IX. SERVICE OF DOCUMENTS

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

Deborah Benjamin
Associate Regional Counsel
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8909
(404) 562-9561

68. A copy of any documents that Complainant files in this action shall be sent to the following individuals who represent the Respondent in this matter and who are authorized to receive service for the Respondent in this proceeding:

Dr. William Properzio
Director - EHS
P.O. Box 112190
Gainesville, Florida 32611-2190
(352) 392-1590

With a copy to:

M. Kristina Raattama
Senior University Counsel
Office of the Vice President and General Counsel
P.O. Box 113125
Gainesville, Florida 32611-3125

X. SEVERABILITY

69. 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 to the maximum extent possible under law and in equity to effect the parties intent.

XI. EFFECTIVE DATE

70. 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:

The University of Florida Board of Trustees (commonly known as University of Florida)

By: Jamie Lewis Keith Dated: 14 December 09
Jamie Lewis Keith
Vice-President and General Counsel
University of Florida

By: Ed Poppell Dated: 12/14/09
Ed Poppell
Vice President for Business Affairs
University of Florida

United States Environmental Protection Agency

By: Caroline Y. F. Robinson Dated: 12/18/2009
Caroline Y. F. Robinson, Chief
RCRA and OPA Enforcement and Compliance Branch
RCRA Division

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

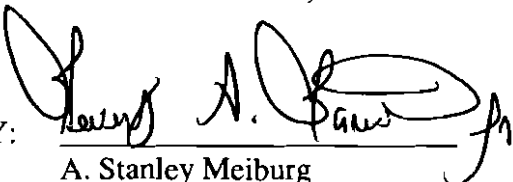
IN THE MATTER OF:) Docket No: RCRA-04-2009-4257(b)
)
The University of Florida Board of Trustees)
(commonly known as University of Florida)) Proceeding under Section 3008(a)
Main Campus) of the Resource Conservation and
Gainesville, Florida 32611-2725) Recovery Act, 42 U.S.C. § 6928(a)
)
EPA ID No.: FLD 000 823 393)
)
Respondent)
_____)

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EPA REGION 4
2009 DEC 22 PM 2:28
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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, 2009.

BY: 
A. Stanley Meiburg
Acting Regional Administrator

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 (CAFO), in the Matter of University of Florida, Docket Number: RCRA-UST-04-2009-4257(b), on the parties listed below in the manner indicated:

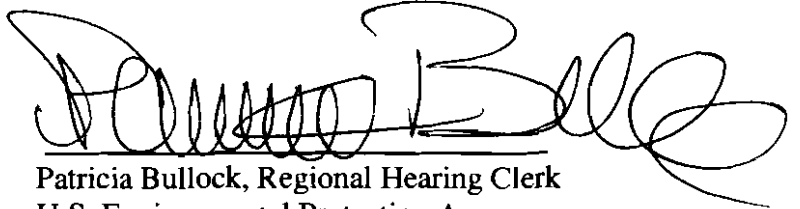
Deborah Benjamin, Associate Regional Counsel
U.S. Environmental Protection Agency
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

(Hand Deliver)

Kristina Raattama, Esq.
Senior University Counsel
University of Florida
Office of the VP and General Counsel
P.O. Box 113125
Gainesville, Florida 32611-3125

(Certified Mail, Return
Receipt Requested)

Date 12-22-09



Patricia Bullock, Regional Hearing Clerk
U.S. Environmental Protection Agency
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, Georgia 30303