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June 24, 2008

Mr. Daniel Kuncicky, Ph.D.
Engineer Specialist III
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400

RE: Response to Request for Additional Information
Perma-Fix of Orlando, Inc.
EPA ID Number - FLD 980 559728

Dear Mr. Kuncicky:

Schreiber, Yonley & Associates, on behalf of Perma-Fix of Orlando (PFO) is pleased to provide our response to your Request for Additional Information letter dated June 6, 2008.

We are confident that our responses are sufficient and technically adequate to address your concerns regarding the May 12, 2008 permit renewal application. It is our intention to submit a revised permit application to the Florida Department of Environmental Protection upon receiving your concurrence or acceptance of our responses to the Request for Additional Information.

If you have any questions regarding the presented information, please contact me or Mr. Viraf Palsetia at 636-256-7200.

We appreciate your time and consideration in this matter, and we look forward to receiving your acceptance of the submitted information.

Sincerely,

SCHREIBER, YONLEY & ASSOCIATES

A handwritten signature in black ink, appearing to read 'D. Abeln', written over a white background.

Douglas L. Abeln, R.G.
Principle Engineer

DLA:bah
Enclosure

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**Perma-Fix of Orlando
Responses to Request for Additional Information**

The following responses were developed pursuant to a Request for Additional Information from the Florida Department of Environmental Protection (FDEP) dated June 6, 2008, regarding Perma-Fix of Orlando's (PFO) May 12, 2008 permit renewal application (application).

FDEP's request is presented, followed by PFO's response in italics.

Treatment Units

FDEP Request:

On pg. I-1 of the Application, PFO requested a permit to operate a miscellaneous treatment unit. Section 403.7211(2), Florida Statute (F.S.) prohibits the Department from issuing a permit to substantially modify a commercial hazardous waste facility which is located in certain areas. Please provide information showing whether the PFO facility is located in any of the areas described in section 403.7211(2), F.S. If the PFO facility is located in such an area, please demonstrate that your request to add a miscellaneous treatment unit does not constitute a "substantial modification." The demonstration should compare the distance life-threatening concentrations of hazardous substances may be released from the new miscellaneous treatment unit at the PFO facility with the current distance, using draft rule 62-730.182, Florida Administrative Code (F.A.C.) as guidance.

No person shall begin construction or major modification of any unit at a hazardous waste facility without applying for and receiving a construction permit from the Department [Rule 62-730.250 F.A.C.]. Please explain why your request for addition of a miscellaneous treatment unit was not accompanied by an application for a construction permit. An application for a construction permit shall be made on DEP forms adopted in rule 62-730.220(2)(a), F.A.C.

If it is demonstrated that PFO is eligible to add a new treatment unit pursuant to the siting requirements of section 403.7211, F.S., then Part II of the Application must be updated to include a separate section with all information necessary to evaluate compliance of the proposed miscellaneous unit with environmental performance standards of 40 Code of Federal Regulations (C.F.R.) 264.601. Owners and operators of facilities that treat hazardous waste in miscellaneous units must also provide the information listed in 40 C.F.R. 270.23. The proposed miscellaneous unit must meet the necessary requirements of subparts I through O and subparts AA through CC of 40 C.F.R. 264. The Application will be evaluated based on the terms and provisions necessary to protect the environment, including, but not limited to, design and operating requirements, detection and monitoring requirements, and requirements for response to releases of hazardous waste or hazardous constituents from the proposed unit.

Please also provide the following information -

- All waste codes and media to be treated in the miscellaneous unit.

- The proposed treatment technology for each waste code and media.
- Location of the unit. The unit must be located at a fixed and unique location within the property boundary.
- The type of structure where the unit will be located. The unit must be located inside a building.
- Sufficient and technically adequate details of how the proposed unit will meet the requirements and provisions of 40 C.F.R. 264 subpart I. Demonstrate how design of containments systems will prevent releases of hazardous waste or hazardous constituents from the proposed unit.
- Sufficient and technically adequate details of how the closure performance standards of 40 C.F.R. 264.111 will be met. Describe in detail how the miscellaneous unit will be closed. Update the closure cost estimate to specifically include the cost required to close the proposed miscellaneous unit.
- A description of how the unit will be protected against a flood event. It was stated in the Application that the facility is located within the 100-year floodplain. Owners and operators of facilities located in the 100-year floodplain must provide a detailed description of procedures to be followed to remove hazardous waste to safety before the facility is flooded.

On pg I-11 of the Application it is written, "*The PFO facility is permitted for the storage, consolidation, and stabilization of hazardous and solid (i.e., non-hazardous) waste.*" This statement is erroneous and should be removed from the Application. The current hazardous waste operating permit, no. 26916-HO-004, contains no provisions for stabilization or solidification of hazardous and non-hazardous waste. You are placed on notice that, as a receiver of hazardous waste from off-site generators, PFO requires a permit to treat by solidification or stabilization. Adding absorbents to waste is considered treatment and will require a permit, unless the Permittee is the generator of the waste. Any reference to the contrary is erroneous and should be removed from the Application.

The Department will evaluate an application for treatment of hazardous waste by stabilization and solidification at the PFO facility when a complete and technically adequate application is received by the Department. The application must contain sufficient and technically adequate details specifying treatment location, waste streams to be treated, and corresponding treatment technology. In addition, the contingency plan, mitigation procedures, personnel training, closure, and Part II-R and Part II-S of the Application must be updated to incorporate the proposed treatment operations. If PFO plans to operate the proposed treatment unit within the Container Storage Unit, then PFO must satisfy the Department that treatment operations will not cause any violations of the requirements and provisions of 40 C.F.R. 264 subpart I and section *II.B. Containers* of the Application.

PFO Response:

PFO has elected at this time not to pursue the permitting of a miscellaneous treatment unit for the stabilization or solidification of hazardous waste. PFO will modify the appropriate sections of the application to remove any references to this activity. If, in the future, PFO elects to pursue the permitting of a miscellaneous treatment unit, PFO will request a permit modification and submit all required information at that time.

Closure

FDEP Request:

- Page 2K-13: Several of the disposal references listed are "Clean Harbors." If these facilities are parents or subsidiaries, then they may not be used as the basis for closure cost estimates [40 C.F.R. 264.142(a)(2)]. Please provide a written statement that no listed disposal facilities are parents or subsidiaries of PFO, or submit cost estimates based on disposal at a third party facility.

PFO Response:

PFO is not the parent company or subsidiary of "Clean Harbors" or of any of the facilities listed as disposal facilities in the Closure Plan. Closure cost estimates are based on disposal at a third-party facility.

FDEP Request:

- Page 2K-13: For waste fuels, the 2004 ETC data quotes average unit prices for fuel blending disposal of \$0.99/gallon or \$107/drum. Please update the pricing to reflect these more realistic values.

PFO Response:

PFO has provided a recent (February 29, 2008) invoice from Geocycle (formerly Energis) for the acceptance of waste fuels for fuel blending. This invoice is presented in Exhibit 11.K.1.g.-2 and indicates that Geocycle is charging \$0.25 per gallon for waste fuels. PFO knows this cost to be a realistic value.

FDEP Request:

- Page 2K-14: For transportation costs, both RSMeans and the Corps' 2006 TSDf Report quote \$3.75/loaded mile as national averages and as regional fuel costs are approaching \$4/gallon, this area of closure needs updating to reflect realistic transportation cost.

PFO Response:

PFO will revise this section utilizing current transportation costs provided by transportation companies.

FDEP Request:

- Page 2K-16: The ECHOS data quotes a maximum of 80 drums per load; the extra six drums/load proposed may be reasonable if actual history suggests that that number can be accommodated safely and within transportation regulations. Please provide documentation demonstrating actual drum/load values.

PFO Response:

PFO has previously shipped as many as eighty-eight (88) 55-gallon drums of waste for disposal in a single trailer. The number of drums placed into trailers is limited by the amount of weight. PFO has enclosed a copy of a manifest that shows that 88 55-gallon drums have been shipped out on one trailer.

FDEP Request:

- Page 2K-16: The volume of decontamination fluid should be greater than 0.6 gals/ft². Although the old CostPro model defaults to 4 gals/ft², the current EPA Region 4 practice assumes an average of 2 gals/ft² as being more reasonable.

PFO Response:

PFO will revise the closure cost estimate utilizing a decontamination water generation rate of 2 gal/ft².

FDEP Request:

- Page 2K-20: Decontamination of the storage facilities should be priced higher than what is currently proposed. Based upon a 2-person crew (at \$37/hr each) and a pressure washer and a vacuum sweeper (at \$10/hour together) decontaminating approximately 10,000 ft² at a work rate of 100 ft²/hour (2005 ECHOS data), the hourly cost of operation is \$0.80/ft², or approximately \$8,000 total.

PFO Response:

PFO will revise Table II.K.1.g.-3a to reflect a work rate of 120 ft²/hr utilizing a one-man crew at \$45/hr. The revised cost for performing decontamination activities will be \$6,576.

FDEP Request:

- Page 2K-23: For management and supervision, 25% of total direct costs is a more appropriate range. Please update the management and supervision pricing appropriately.

PFO Response:

PFO believes the 10% for management and supervision of closure activities is appropriate for this size facility and scope of work. The 25% referenced in your request is most likely an EPA Superfund-generated number. We do not believe this to be an appropriate number as comparing the management and supervision requirements of a Superfund site to those of a small RCRA closure is not realistic or applicable.

FDEP Request:

- The closure section should be updated to include all closure activities and financial assurance necessary for the proposed miscellaneous unit.

PFO Response:

This comment is no longer appropriate since PFO is not permitting a miscellaneous unit at this time.

FDEP Request:

- The confirmatory sampling list is currently limited to semi-VOCs and RCRA metals. This list should be expanded to include all waste streams permitted for storage and treatment at the PFO facility.

PFO Response:

PFO will revise the confirmatory sampling list to include volatile organic compounds, semi-volatile organic compounds, RCRA metals, and pesticides and herbicide compounds.

FDEP Request:

- Disposal and removal of transfer waste should be included in the closure cost estimates.

PFO Response:

PFO is not required to include transfer waste as a separate item in our closure cost estimates. Transfer wastes that have been accepted by PFO and are located within the PFO facility have been included in the hazardous waste inventory, and the costs for its transportation and disposal are included. Ten-day transfer facilities are not required to

obtain a RCRA permit per 40 CFR 270.1(c)(2)(vi); consequently, all waste associated with the 10-day transfer facility are not subject to RCRA closure requirements. At the time of closure, the transfer waste would proceed to its final disposal destination per the manifest.

Storage Unit

FDEP Request:

- Page 2A-117: "Chart 2: Chemicals with Restrictions on Acceptance", Please clarify the meaning of this table.

PFO Response:

PFO will provide additional clarification as to the meaning of this table. The intent of Chart 2 is to present a list of chemicals whose acceptability is restricted based on either their concentration, physical state, or use.

FDEP Request:

- Page 2A-163: Ten-day transfer facility waste should be segregated and clearly identified if stored in the permitted area. Any 10-day transfer facility waste stored in the permitted area should be counted towards the total amount of waste on-site. Please update the Application to identify how the transfer waste will be clearly distinguished from other waste.

PFO Response:

As presented on page 2A-164 of the application, transfer facility drums will be placed in the staging area shown in Exhibit II.A.7.-9, with some exceptions as described in the last paragraph of Section 7.0. Any 10-day transfer waste stored in the permitted area is counted toward the total amount of waste on-site. Transfer waste is clearly distinguished from other waste as follows:

- *The approval code written on permitted waste drums contains characters that identify the drums as PFO's approved codes. Transfer facility waste drums do NOT show PFO's approval codes.*
- *Every permitted waste drum in the container storage unit displays a marking and a sticker showing the drum I.D. number. Transfer facility drums do NOT show drum I.D. numbers marked on their sides or displayed on a facility sticker.*

These descriptions are presented on Page 2A-164 of the application.

FDEP Request:

- Page 2B-2: The Application states that the permitted storage area is located within the 100-year flood plan. The consolidation area is also located within the 100-year floodplain. However, unlike the permitted storage area, the consolidation area is not constructed 4 feet above grade, but is instead at ground level. Please update the contingency plan to describe how waste will be safely removed in the event of a flood.

PFO Response:

There is some confusion with regard to the PFO facility with respect to the 100-year floodplain. Currently, the active portion of the facility is above the base flood elevation of 90.7 feet. Exhibit II.A.3.-1 contains a copy (see attached determination) of a Flood Zone Determination issued by the Stormwater Management Department of Orange County Florida, which states that the 100-year flood level for the PFO site is 90.7 feet. Figure II.A.4. contains a topographic survey map dated March 1994 that shows that the ground surface elevation on the active portion of the site area is above the base flood elevation. Consequently, there is no need to update the Contingency Plan. PFO will provide a scaled copy of this survey with our revised application.

PFO believes the confusion arose with the submittal of a 2000 FEMA Flood Insurance Rate Map (Parcel Number 12095C 0420E, last revised December 6, 2000), which indicates that the PFO site is within the 100-year floodplain. PFO has demonstrated that this map is not accurate at the PFO facility per the information described above. Additionally, a proposed floodplain map prepared by Orange County Public Works and FEMA in 2007 (Figure I.B.5) shows that the active portions of the PFO facility are outside the 100-year floodplain. This map is scheduled for approval in late 2008.

FDEP Request:

- Page 2B-9: The "dangerous when wet" container storage unit has a four drum limit. Please update the contingency plan to include an alternative plan if the four drum limit is exceeded.

PFO Response:

PFO will not accept more drums than can be stored in the 4-drum container storage unit. There will never be more than four drums of "dangerous when wet" materials on-site at any time.

FDEP Request:

- Page 2B-9: Hazardous waste and non-hazardous waste must be stored in permanently marked and distinct areas. Please update the Application to describe how hazardous waste and non-hazardous waste will be stored in separated areas.

PFO Response:

PFO will store hazardous and non-hazardous waste within clearly defined and marked areas within the container storage unit. Waste materials will be stored based on compatibility of hazard classes of waste stored. PFO utilizes the DOT segregation system as described by 49 CFR 177.848. Pages 2B-8 and 2B-9 describe how hazardous and non-hazardous wastes are stored.

Your request for permanently marked and distinct areas is not a regulatory requirement. As previously stated, hazardous and non-hazardous waste will be clearly defined and marked with signage and temporary floor markings. The size of these areas may be periodically modified based on the space requirements of the type of waste received based on current market conditions. Whatever the floor configuration, PFO will comply with the compatibility requirements as specified by DOT.

FDEP Request:

- Page 2B-10: The application states that no incompatible waste will be stored in the consolidation area. Please provide the Department with additional information concerning management of incompatible waste in the consolidation area. This issue is a major concern since the facility only has one area for consolidation.

PFO Response:

PFO will utilize the DOT compatibility chart to ensure that no incompatible wastes are in the consolidation area at the same time. No hazardous waste materials are stored in the consolidation area.

FDEP Request:

- Provide the Department with a plan to ensure waste in the permitted area is not being consolidated and reintroduced to the permitted storage area with a new storage date. It shall be required that any consolidated waste container contain the receipt date of the oldest waste placed in the container.

PFO Response:

Consolidated materials will not be consolidated and reintroduced to the permitted storage area with a new storage date. PFO utilizes a procedure in

which the consolidated waste container will bear the date of the oldest received drum placed in the container.

FDEP Request:

- Page 2B-16: The Application provides for maintaining all containers closed with heads and bung plugs replaced immediately. This statement needs to include rings tightened as well.

PFO Response:

The application will be revised to include a statement that the rings will be tightened as necessary.

Other Items

FDEP Request:

- All hazardous waste and non-hazardous waste should be included in the total on-site waste quantity calculation. The total on-site waste quantity calculation must include waste located in the consolidation area. If the consolidation area is not part of the Storage Unit then it should be designated as a 90-day storage area. The only waste that should not count towards the total on-site waste quantity is the transfer waste remaining on the trailer. Any transfer waste stored in the storage area should be counted towards the total.

PFO Response:

PFO agrees with this statement, which is reflected in the permit application.

FDEP Request:

- Please change all volume and mass quantities to the SI unit of measurement in the Application. For example, represent volumes of waste as liters instead of gallons.

PFO Response:

Per our discussion, PFO will disregard this request.

Public Works Division

Stormwater Management Department
M. Krishnamurthy, Ph.D., P.E., Manager
4200 South John Young Parkway
Orlando, Florida 32839-9205
Telephone (407) 836-7990
FAX (407) 836-7999

FLOOD ZONE DETERMINATION

DATE APR 04 1995

PROPERTY OWNER _____

PROPERTY ADDRESS 10100 ROCKET BV

LOT NO. _____ BLOCK _____

SUBDIVISION _____ PB _____ PG _____

PARCEL ID 11242973600030

COMMUNITY NO. 120179 PANEL NO. 0375 SUFFIX D FIRM DATE 12/5/89

FLOOD ZONE A1 BASE FLOOD ELEVATION 90.7

THIS PROPERTY IS COMPLETELY LOCATED WITHIN A SFHA

THIS PROPERTY IS PARTIALLY LOCATED WITHIN A SFHA

THIS PROPERTY IS NOT LOCATED WITHIN A SFHA

THE STRUCTURE IS COMPLETELY LOCATED WITHIN A SFHA

THE STRUCTURE IS PARTIALLY LOCATED WITHIN A SFHA

THE STRUCTURE IS NOT LOCATED WITHIN A SFHA

LOCATION OF THE STRUCTURE IS NOT KNOWN



JAMES S. YOUNG
ENGINEERING TECH IV

This letter does not imply that the reference property will or will not be free from flooding or damage. A property not in a Special Flood Hazard Area (SFHA) may be damaged by a flood greater than that predicted on the FIRM or from a local drainage problem not shown on the map. This letter does not create liability on the part of Orange County, or any officer or employee thereof, for any damage that results from reliance on this determination. Federal law requires that a flood insurance policy be obtained as a condition of a federally-backed mortgage or loan that is secured by the building.