



Florida Department of Environmental Protection

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June 06, 2008

Sent Via E-mail

kfogleman@perma-fix.com

Mr. Kurt Fogleman
Environmental, Health & Safety Manager
1940 N.W. 67th Place
Gainesville, FL 32653

SUBJECT: Request for Additional Information
Facility Name - Perma-Fix of Orlando, Inc.
EPA ID Number - FLD980559728

Dear Mr. Fogleman:

A permit application (hereinafter referred to as the Application) was submitted by Perma-Fix of Orlando (PFO) on May 12, 2008. The Application must be determined complete before the Permit may be issued. This letter serves as a formal Request for Additional Information (RAI). The Application is currently designated as incomplete, and will remain as such, until the Department determines that PFO has provided a sufficient and technically adequate response to this RAI.

Treatment Units

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 presently 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.

Closure

- 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.
- 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.
- 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.
- 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.
- 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.
- 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.

- 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.
- The closure section should be updated to include all closure activities and financial assurance necessary for the proposed miscellaneous unit.
- 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.
- Disposal and removal of transfer waste should be included in the closure cost estimates.

Storage Unit

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

- 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.
- 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.

Other items

- 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.
- 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.

Our ability to process your permit in a timely fashion will depend on the thoroughness and technical adequacy of your reply to this RAI. Pursuant to section 120.60(2), F.S., the Department may deny an application, if the applicant, after receiving timely notice, fails to correct errors and omissions, or supply additional information within a reasonable period of time. Accordingly, please provide the additional information within 30 days of the date you receive this letter. If you have any questions or would like to discuss this matter please contact Daniel Kuncicky at (850) 245-8786.

Sincerely,



Daniel Kuncicky, PhD
Engineer Specialist III
Hazardous Waste Regulation Section

cc:

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