

Thursby, Kim

From: Ann Wortman [awortman@act-environmental.com]
Sent: Wednesday, July 02, 2008 8:13 AM
To: Epost HWRS
Subject: RE: Hazardous Waste Transporter/Transfer Facility Notification

Verifying receipt of e-mail. We will review and respond. Thank you.

Ann Wortman, Waste Management Director
American Compliance Technologies, Inc.
1875 W. Main Street
Bartow, FL 33830
(863)533-2000 X232 Fax: (863)534-1133

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From: Epost HWRS [mailto:EpostHWRS@dep.state.fl.us]
Sent: Tuesday, July 01, 2008 5:47 PM
To: awortman@act-environmental.com
Cc: Posner, Augusta; Redig, Michael; Neves, Richard; Dregne, James; Bahr, Tim; Tripp, Anthony; Register, Harold
Subject: Hazardous Waste Transporter/Transfer Facility Notification

In an effort to provide a more efficient service, the Florida Department of Environmental Protection's Hazardous Waste Regulation Section is forwarding the attached document to you by electronic correspondence "e-correspondence" in lieu of a hard copy through the normal postal service.

We ask that you verify receipt of this document by sending a "reply" message to epost_hwrs@dep.state.fl.us. If your email address has changed or you anticipate that it will change in the future, please advise accordingly in your reply. You may also update this information by contacting Kim Thursby at (850) 245-8792.

The attached document is in "pdf" format and will require Adobe Reader 6 or higher to open properly. You may download a free copy of this software at www.adobe.com/products/acrobat/readstep2.html.

Please note that our documents are sent virus free. However, if you use Norton Anti-virus software, a warning may appear when attempting to open the document. Please disregard this warning.

Your cooperation in helping us affect this process by replying as requested is greatly appreciated. If you should have any questions about the attached document(s), please direct your questions to the contact person listed in the correspondence.

Tim Bahr
Environmental Administrator

Hazardous Waste Regulation
Department of Environmental Protection
E-Mail Address: epost_hwrs@dep.state.fl.us

The Department of Environmental Protection values your feedback as a customer. DEP Secretary Michael W. Sole is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on [this link to the DEP Customer Survey](#). Thank you in advance for completing the survey.



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

July 01, 2008

Sent via e-mail

awortman@act-environmental.com

Robert O. Kincart
American Compliance Technologies, Inc.
1875 West Main Street
Bartow, FL 33830

RE: Hazardous Waste Transporter/Transfer Facility Notification

Dear Mr. Kincart:

Your letter to Mike Redig, dated May 27, 2008 (received June 16), has been referred to me for response. The letter included the following attachments: a topographic map showing the location of the ACT facility in relation to certain residences and schools; a signed form 8700-12FL, Notification of Regulated Waste Activity; a signed Hazardous Waste Transporter Status Form; a signed Transfer Facility Notification Form; a State of Florida Hazardous Waste Transporter Liability Endorsement; a Certificate of Liability Insurance; a Contingency Plan; and a Closure Plan.

The topographic map indicates that several residences are located within 1000 yards of the proposed transfer facility, and two schools are located within 1500 yards. Your letter requested a variance from the siting criteria set forth in section 403.7211, Florida Statutes (F.S.), which prohibits the construction or operation of a transfer facility within 1000 yards of a residence or 1500 yards of any school or other site where individuals are routinely confined or assembled.

As a preliminary matter, the Department cannot begin evaluation of the variance request until we receive the \$5000 processing fee required by rule 62-730.293(1)(o), Florida Administrative Code (F.A.C.) This fee is non-refundable, and payment does not guarantee that the variance will be issued.

Furthermore, we have reviewed section 403.201, F.S., the statute that authorizes the Department to issue variances from other statutes in Chapter 403, F.S., and have concluded that the only variance available to ACT in the circumstances would be under section 403.201(1)(c), F.S., which allows a variance "to relieve or prevent hardship of a kind other than those provided for in paragraphs (a) and (b)." Such a variance and renewals thereof are limited to 24 months. Renewals of a two-year variance require a \$1000 processing fee. See rule 62-730.293(1)(t), F.A.C.

Robert O. Kincart

July 1, 2008

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If ACT decides to continue its efforts to construct and operate a 10-day transfer facility at the proposed location, I suggest you directly address the hardship that needs to be relieved or prevented, and the existence (or non-existence) of other treatment, storage or disposal facilities and transfer facilities in the area that could be used in lieu of one that would not meet the siting criteria.

If you have any questions, please contact me at (850) 245-8766, anthony.tripp@dep.state.fl.us
For legal questions, our attorney is Augusta Posner, (850) 245-2282,
augusta.posner@dep.state.fl.us.

Sincerely,

A handwritten signature in black ink that reads "Anthony R. Tripp". The signature is written in a cursive style with a large initial 'A' and 'T'.

Anthony R. Tripp, Ph.D., P.E.
Professional Engineer III

cc: Mike Redig DEP/Tallahassee, michael.redig@dep.state.fl.us
Augusta Posner OGC/Tallahassee, augusta.posner@dep.state.fl.us
Rick Neves DEP/Tallahassee, richard.neves@dep.state.fl.us
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