

Thursby, Kim

From: Tripp, Anthony
Sent: Monday, October 12, 2009 8:10 AM
To: Thursby, Kim
Subject: Heritage Crystal Clean receipts.

Heritage Crystal Clean e-post documents needing receipts (June 10; July 20; July 22; August 03; September 01). Use this e-mail as proof of receipt. Their responses of September 24, 2009, currently in Oculus, are proof that they did indeed receive the referenced e-posts.

Anthony R. Tripp, Ph.D., P.E.
Professional Engineer III
Hazardous Waste Regulation Section
(850) 245-8766



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

June 10, 2009

Sent Via e-Mail

Catherine.mccord@crystal-clean.com

Catherine A. McCord
Environment, Health and Safety
Heritage-Crystal Clean
2175 Point Blvd, Suite 375-EHS
Elgin, IL 60123

Subject: Hazardous Waste Transfer Facility Initial Notification dated March 19, 2009.

Ms. McCord:

The Department is in receipt of the DEP Form 62-730.900(1)(b) dated March 19, 2009 and supplemental information supplied with that form in support of your initial notification for a hazardous waste transfer facility. That supplemental information is currently under review.

The initial notification is missing a critical item and is not complete. As stated in subparagraph 62-730.171(3)(a)1., Florida Administrative Code (F.A.C.), the initial transfer facility notification shall contain "Certification by a responsible corporate officer of the transporter that the proposed location satisfies the criteria of Section 403.7211(2), Florida Statutes (F.S.). The Certification shall state a factual basis for the conclusion that the location criteria are met, and how those facts were determined." Your initial notification does not contain this Certification. Processing of your submittal cannot be completed without this Certification. A copy of Section 403.7211, F.S., is attached to this letter to assist you in meeting this requirement. Please read through this document carefully to ensure that your Certification addresses all items in that document.

As stated in 62-730.171(3)(c), F.A.C., "No person shall operate a transfer facility before receiving confirmation from the Department that the initial notification package is complete and technically adequate and receiving an EPA identification number for the transfer facility." You are not currently authorized to operate a transfer facility at this location.

Please submit the Certification so that we can complete the processing of your notification. If you have any questions or require additional information please contact me at (850) 245-8766 or Anthony.tripp@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, stylized 'A' and 'T'.

Anthony R. Tripp, Ph.D., P.E.
Hazardous Waste Permitting

cc:

Ashwin Patel, DEP Northeast District, Ashwin.patel@dep.state.fl.us
Jenna Perry, DEP Northeast District, jenna.d.perry@dep.state.fl.us
Agusta Posner, OGC Tallahassee, augusta.posner@dep.state.fl.us

403.7211 Hazardous waste facilities managing hazardous wastes generated offsite; federal facilities managing hazardous waste.--

(1) This section applies to facilities managing hazardous waste generated offsite. This section does not apply to manufacturers, power generators, or other industrial operations that have received or apply for a permit or a modification to a permit from the department for the treatment, storage, or disposal of hazardous waste generated only onsite or from other sites owned or acquired by the permittee. Power generators are electric utilities as defined in s. 403.522 which own or operate facilities necessary for the generation, transmission, or distribution of electric energy; federally qualified facilities under the Public Utility Regulatory Act of 1978, or exempt wholesale generators under the Energy Policy Act of 1992.

Notwithstanding the foregoing, this section shall apply to all federal facilities that manage hazardous waste.

(2) The department shall not issue any permit under s. 403.722 for the construction, initial operation, or substantial modification of a facility for the disposal, storage, or treatment of hazardous waste generated offsite which is proposed to be located in any of the following locations:

(a) Any area where life-threatening concentrations of hazardous substances could accumulate at any residence or residential subdivision as the result of a catastrophic event at the proposed facility, unless each such residence or residential subdivision is served by at least one arterial road or urban minor arterial road, as defined in s. 334.03, which provides safe and direct egress by land to an area where such life-threatening concentrations of hazardous substances could not accumulate in a catastrophic event. Egress by any road leading from any residence or residential subdivision to any point located within 1,000 yards of the proposed facility is unsafe for the purposes of this paragraph. In determining whether egress proposed by the applicant is safe and direct, the department shall also consider, at a minimum, the following factors:

1. Natural barriers such as water bodies, and whether any road in the proposed evacuation route is impaired by a natural barrier such as a water body;
2. Potential exposure during egress and potential increases in the duration of exposure;
3. Whether any road in a proposed evacuation route passes in close proximity to the facility; and
4. Whether any portion of the evacuation route is inherently directed toward the facility.

(b) Any location within 1,500 yards of any hospital, prison, school, nursing home facility, day care facility, stadium, place of assembled worship, or any other similar site where individuals are routinely confined or assembled in such a manner that reasonable access to immediate evacuation is likely to be unavailable;

(c) Any location within 1,000 yards of any residence; or

- (d) Any location which is inconsistent with rules adopted by the department under this part.

For the purposes of this subsection, all distances shall be measured from the outer limit of the active hazardous waste management area. "Substantial modification" includes: any physical change in, change in the operations of, or addition to a facility which could increase the potential offsite impact, or risk of impact, from a release at that facility; and any change in permit conditions which is reasonably expected to lead to greater potential impacts or risks of impacts, from a release at that facility. "Substantial modification" does not include a change in operations, structures, or permit conditions which does not substantially increase either the potential impact from, or the risk of, a release. Physical or operational changes to a facility related solely to the management of nonhazardous waste at the facility shall not be considered a substantial modification. The department shall, by rule, adopt criteria to determine whether a facility has been substantially modified. "Initial operation" means the initial commencement of operations at the facility.

(3) It shall be presumed, for the purposes of paragraph (2)(a) only, that life-threatening concentrations of hazardous substances could accumulate in a catastrophic event in any area within a radius of 3 miles of a hazardous waste transfer, disposal, storage, or treatment facility. This presumption may be rebutted by a demonstration that such life-threatening concentrations could accumulate at a greater distance, or that such life-threatening concentrations could accumulate only at a lesser distance, in light of the composition, quantity, and concentration of hazardous waste proposed to be disposed of, treated, or stored at the proposed facility. This demonstration may be made, at the election of the facility, in the form of the submissions required under Program 3 of the Accidental Release Prevention Program of s. 112(r)(7) of the Clean Air Act.

(4) For the purposes of this section, a concentration of hazardous substances shall be deemed to be life-threatening when the concentration could cause susceptible or sensitive individuals, excluding hypersensitive or hypersusceptible individuals, to experience irreversible or other serious, long-lasting effects or impaired ability to escape.

(5) No person shall construct or operate a transfer facility for the management of hazardous waste unless the facility meets the siting requirements of subsection (2).

(6) This section shall not prohibit the operation of existing transfer facilities that have commenced operation as of the effective date of this section, if the transfer facility is not relocated or if there is no substantial modification in the structure or operation of the facility after the effective date of this section.

History.--s. 1, ch. 98-334.