

Thursby, Kim

From: kafx97@gmail.com on behalf of Kurt Fogleman [kfogleman@perma-fix.com]
Sent: Wednesday, March 10, 2010 9:22 AM
To: Epost HWRS
Subject: Re: Perma-Fix-Gainesville;FLD 980 711 071; Construction and Operating Permit Application

Received, sorry for the delayed response.

Thanks,
Kurt

Kurt Fogleman
Environmental, Health & Safety Manager
Perma-Fix of Florida
(352) 395-1356 (Office)
(352) 222-8032 (Mobile)
(352) 372-8963 (Fax)

On Wed, Feb 10, 2010 at 8:06 AM, Epost HWRS <EpostHWRS@dep.state.fl.us> wrote:

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. (An automatic "reply message" is not sufficient to verify receipt). 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



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

February 10, 2010

SENT VIA E-MAIL

kfogleman@perma-fix.com

Mr. Kurt Fogleman
Environmental, Health and Safety Manager, Southeast Region
Perma-Fix of Florida, Inc.
1940 N.W. 67th Place
Gainesville, Florida 32653-1692

Subject: Perma-Fix of Florida, Inc.; FLD 980 711 071; Construction and Operating Permit Application
Alachua County
First Notice of Deficiencies

Dear Mr. Fogleman:

Your application for a hazardous waste permit has been reviewed and found to be incomplete. The required information and amendments necessary to complete your application are itemized in the enclosed Notice of Deficiencies.

When a permit application is incomplete, all processing of the application is suspended. You are hereby advised to provide us with the requested additional information pursuant to Florida Administrative Code (F.A.C.) Rule 62-730.220 and Chapter 403.722, Florida Statutes (F.S.).

If you cannot submit this information within thirty (30) days, you must provide a detailed schedule with dates when this information will be submitted.

You are encouraged to contact this office to discuss the deficiencies noted by the application review. This exchange of ideas will assist you in developing a complete and adequate response. If you would like to arrange a meeting or have any questions, please call me at 850-245-8796 or merlin.russell@dep.state.fl.us

Sincerely,

Merlin D. Russell Jr.
Environmental Specialist III
Hazardous Waste Regulation

MDR/mdr

cc with enclosure via e-mail:

Ashwin Patel, DEP/Jacksonville, ashwin.patel@dep.state.fl.us

**Enclosure
First Notice of Deficiencies**

General Comments:

1. The FDEP did not review this document to address the regulations for management of the radiological portion of the mixed waste.
2. Although not deficiency, throughout the application, many of the figures were so reduced that they were not legible. Full size or legible copies should be provided.

Specific Comments:

Part I

3. A.2. The "Construction and Operation" box should be checked because the application proposes replacement of the PF-II® process.
4. B.2. Is the 7.67-acre area of the facility correct considering that during the December 2009 inspection, FDEP was notified that the property to the north had been purchased by Perma-Fix of Florida, Inc. (PF)? Figures and text will need to be updated to correctly reflect the "facility" (40 CFR Part 260.10 definition) if its definition has changed. Also, it is our understanding that the area formerly known as the "Quadrex Annex Area" is no longer part of the "facility" (See related comment under Part Q).

Attachment II.A.2-Contingency Plan

5. The facility's location should be illustrated on a road map.
6. The Contingency Plan (CP) does not directly address the radiological portion of the mixed waste. Although the term "mixed waste" is used in the first paragraph under "Facility Operations", the average person or first responders would have no idea that mixed waste is a combination of hazardous and low-level radioactive waste. Because this CP is distributed to other agencies and emergency responders, FDEP suggests that the CP be updated to include more details on the radiological component.
7. Section 4.5.2 Identification of Hazardous Materials: Although Section 4.5.2 assumes that all waste will be toxic, reactive and ignitable, it would be appropriate to discuss how specific information can be obtained in order to provide first responders with the current waste information in the event of an actual emergency. As an example, the CP should be revised to state where manifests (or copies of manifests, waste analysis data, etc.) are kept or available (on line?) and immediately accessed in the event of an emergency. If possible, we would recommend that the information should be available on line to the Emergency Coordinators in the event an emergency prevents access to the records on site.
8. Section 13.0, page 13: If a reportable quantity (RQ) is exceeded, the NRC needs to be notified immediately (40 CFR 302.6(a)). EPA's Fact Sheet Emergency Release

Reporting Requirements located at (<http://www.epa.gov/region7/toxics/factsht.htm>) requires notification within 15 minutes. The Nuclear Regulatory Commission (NRC) should be added to this table.

9. Attachment CP-1: 40 CFR Part 264.52(d) requires addresses of the emergency contacts. For security reasons, the addresses can be replaced by only the zip code. Also, as required by this rule, PF should also ensure that the Alternate Emergency Coordinators are listed *in order in which they will assume responsibility as alternates*.
10. Attachment CP-2, page 23, initial response, last bullet. As written, the text suggests that the Emergency Coordinator is responsible for evacuating surrounding areas. For clarity, the emergency coordinator (or its designee) is required to assess emergencies and if evacuation of the area is advisable, the coordinator must be available to assist appropriate officials if an evacuation is necessary (40 CFR Part 264.56(d)(1)). The FDEP also suggests that this phrase be added to the paragraph for 3.0 Emergency Coordinators, page 2.
11. Attachment CP-2: Although not a deficiency, because the information is provided, the FDEP recommends that PF consolidate this section. As written, there are two sections responding to fires. Page 23 identifies one procedure for fires (and explosions), yet on the following pages, a second, more detailed procedure is written that also addresses fires (large and small fires). Also, the *detail* given for the large and small fires is absent for any procedures for explosions. Although the two procedures for addressing fires are not necessarily incompatible, it would be clearer if only one procedure was included. Similarly, an update containing details for addressing explosions is recommended.
12. Attachment CP-3: Page 27. Under spill Control Procedure, the first bullet states "Close all storm water effluent valves". This measure should also be added to the major fire emergency procedures, if safe to do so, in order to keep potentially contaminated fire-fighting waters from exiting the facility. Similar to the comment on Attachment CP-2 above, there are two sections on containing spills and the FDEP recommends only one.
13. It would be appropriate to reference management of contaminated media per FDEP guidance, *Management of Contaminated Media under RCRA*, August 9, 2006 that can be found at:
http://www.dep.state.fl.us/waste/quick_topics/publications/shw/hazardous/ManagementContaminatedMedia.pdf
14. A new option for cleanup of spills is available under the De Minimis Discharge provisions of Rule 62-780.550, Florida Administrative Code (F.A.C.). However, the RCRA program (in the renewed permit) will require reporting any discharge cleaned up under the De Minimis provisions.
15. Attachment CP-4: This attachment should be entitled "Emergency Notification and Reporting Information". This page does not include the notification and reporting requirements specified in General Condition 16.c. of the operating permit or the newly identified SWMUs/AOCs per Specific Condition HSWA Part I-Corrective Action. These requirements should be included.

16. Attachment CP-5, Emergency Equipment List: We recommend that this list include field monitoring devices such as dosimeters, and field equipment such as an OVA, PID or FID that may be used to assess an emergency and screen releases (A PID is referenced in Section 4.5.3, page 5 of the CP). Also, Table 1 in Part 2.A will need to be updated.
17. Attachment CP-6-Emergency Equipment Location Map: FDEP recommends that the same terminology and same symbols in the legends be consistent. As an example, in the first three figures, the symbol for fire extinguishers is different for each figure. There are also different symbols for spill equipment and SCBA.
18. D-PSB Building. Does one of the circles in the Fire Suppression Riser Building represent a Fire Extinguisher? Please update the figure appropriately.

Training Program

19. Attachment 1, Personnel Training Program, page 2, Paragraph C: Is a portion of the text missing or was the broken sentence intended to be removed from the text? A corrected page must be submitted.

Chemical and Physical Analysis

20. Part II.A, A5, page 9, Chemical and Physical Analysis: The application requires that reports of the chemical and physical analyses of the hazardous wastes and hazardous debris handled at the facility, including all information which must be known to treat, store, or dispose of the wastes in accordance with 40 CFR 264.13 be submitted per 40 CFR 270.14(b)(2). Please include only one example (data) of each chemical and physical analysis in this section of the application. Also, explain where Perma-Fix maintains all chemical and physical analysis data as a part of records.

Waste Analysis Plan

21. Section 2.2.1, Waste Exempt from Sampling: For the record, there is no exemption from sampling the waste streams identified in this section. PF may choose to routinely perform a visual inspection but cannot exclude an analysis, if needed or required by PF or the FDEP. The FDEP does not approve the proposed exemption as written.
22. 2.3, page 6. The last sentence should read "...and Appendix VIII-Hazardous ~~characteristics~~ Constituents) and..."
23. 2.3, page 7 second paragraph, and Appendix II.B.3 Mercury Amalgamation at the bottom of page 1: Without documentation that the amalgamation process renders the mercury waste non-hazardous, the FDEP disagrees with the statement that once amalgamated, the mercury waste is no longer a hazardous waste. Treatment by a required technology to meet LDRs does not in itself remove the waste from Subtitle C regulation, although it may be true that treatment to meet LDRs also removes the toxic characteristic. The FDEP agrees that once amalgamated, the LDR treatment standard

for the elemental mercury contaminated with low level radioactive waste has been met (and hence, it can be land disposed in a Subtitle C landfill) but PF must perform a waste analysis, after amalgamation, to determine if the waste remains characteristically hazardous if any disposal option is proposed other than Subtitle C landfill. To sum up, PF can send the amalgamation to a hazardous waste landfill without further testing (unless required by the receiving facility) but without a demonstration that after amalgamation the treated waste passes TCLP, the amalgamated waste must be managed as hazardous waste and cannot be sent to a Subtitle D landfill. Please keep in mind that use of generator knowledge can be used. As an example, if testing of several amalgamations clearly demonstrates that the material passes TCLP, then every amalgamation need not be tested. Periodic testing can be performed to validate the use of generator knowledge.

Section B Containers

24. This Section should be updated to include the following:

Hazardous waste must not be placed in an unwashed container that previously held an incompatible waste or material. (§264.177(b))

A storage container holding a hazardous waste that is incompatible with any waste or other materials stored nearby in other containers or tanks must be separated from the other materials or protected from them by means of a dike, berm, wall, or other device. (§264.177(c))

25. Appendix II.B.2, Deactivation Process, page 1, first paragraph. The reference to 40 CFR 263.23 should be 40 CFR 261.23.

26. Appendix II.B.3 Mercury Amalgamation. Please refer to the same comments on the applicability of hazardous waste determinations and LDR requirements for this waste stream that are contained under the Waste Analysis Plan comments.

Section I Miscellaneous Unit

27. A schedule and narrative discussion for the decommissioning and closure of the existing PF-II equipment must be included here or in the closure section. A schedule for installing the new equipment should be included.

28. Attachment II.I.6. Silver should also have an asterisk as its concentration is measured using TCLP.

Section K Closure

29. Page 1, paragraph 4. Although the permit modification process is acceptable, Perma Fix should be aware that if unexpected circumstances arise during closure, the FDEP should be notified as quickly as possible. Experience has shown that unexpected circumstances often do arise. In many cases, changes to the closure can be accomplished without submitting a permit modification, although any changes to the

approved closure plan will need to be documented in the closure report, and certified by a professional engineer.

30. Before closure is implemented, the FDEP recommends that PF meet with the FDEP to discuss decontamination procedures. Other decontamination options and decontamination “criteria” may be available.
31. Page 2, paragraph 1: Depending upon the date of any release and the contaminant(s) in a release, the FDEP might require that the deeper sample be analyzed even if the shallow sample is clean to account for potential migration. Also for clarity, any exceedences of SCTLs will require both vertical and horizontal assessment.
32. Page 7, paragraph 8. The SCTLs and GCTLs found in Chapter 62-777, F.A.C. are not *guidance* concentrations when used for soils and groundwater although PF’s intent might be to reference their use for guidance when discussing decontamination waters. If so, then the language is acceptable.
33. Page 9, Section K6.2, paragraph 4. The “clean closure” criteria for concrete are not addressed under the Risk Assessment methodology in Chapter 62-785 F.A.C. (Brownfields Cleanup Criteria). Was this reference intentional or a typographic error?
34. Page 10, Section K6.3, paragraph 2. Non-ferrous metals that are recycled share the same exclusion as recycled ferrous metals.
35. Page 10, Section K6.4. This section should be updated to note that in order to meet “clean closure”, any contaminants remaining in the soil that are below residential SCTLs must not leach contaminants into the groundwater above any GCTLs.
36. Attachment K-1, Closure Sampling and Analysis Plan. As a general comment, sampling and analytical procedures, including the use of FDEP SOPs, shall be the current procedures at the time of partial or final closure.
37. Attachment K-1, Closure Sampling and Analysis Plan, Page 1, Section 2.0. Depending upon soil data or other evidence of a release to soils, the groundwater may need to be assessed and monitored.
38. Attachment K-1, Closure Sampling and Analysis Plan, Page 2, Section 3.3. In addition to the proposed sample locations in Figures K-1 through K-3, biased samples must be taken in areas that exhibit cracks or breaches in the concrete. These locations can be determined at the time of closure.

Section Q Closure Information Requirements for Solid Waste Management Units

39. The “Quadrex Annex Area” is no longer part of the facility. For historical purposes, it would be appropriate to include the map showing the property but it is recommended that narrative be added to the text that discusses the reason(s) that the property is no longer part of PF. Because SWMUs 30, 31 and 32 were located on the “Quadrex”

property and because the SWMUs were identified as No Further Actions (NFA), it would be appropriate for PF to request that these SWMUs be removed from the permit.

Section S Requirements for Equipment

40. Section S2, subpart BB should be revised to state that PF conducts monitoring of equipment using method 40 CFR Part 60, pursuant to 40 CFR 264.1063(b). This sentence should also be included in other applicable sections of Subpart BB information.
41. Attachment S-1 (List of Equipment) has a column that lists exemptions from subpart BB requirements. A column similar to that one should be included in other Attachments in Subpart BB.
42. One more column should be added in each of the Attachments of Subpart BB to identify applicable rules for each individual piece of equipment.

Substantial Modification

43. Page 5, Table 2. It appears that the asterisk for ethylbenzene is a typographic error as the endpoint (500 mg/m³) is from the Technical Report.
44. Page 8, Table 5 summarizes the maximum quantity of the constituent in a container that will result in a maximum distance less than 1,164 yards. The table lists the amount in pounds. From a practical application aspect, it would be useful to add a column identifying the largest container (or constituent volume) that could be stored/treated at one time. This same idea should be integrated into Table 8.
45. Page 11, Section 3.1. The second sentence should reference Attachment 8 rather than Attachment 7.