From: Phillip G Ditter
To: Tripp, Anthony;
cc: Byer, James; Kothur, Bheem;
Linda Dunwoody;
Subject: Re: Veolia draft permit correction
Date: Monday, November 21, 2011 10:41:53 AM

I still have concerns over the language in condition 2, so what we will do is accept the language as is and maintain a copy of this e-mail as clarification of the intent of the language.

Sent from my iPhone

On Nov 21, 2011, at 9:21 AM, "Tripp, Anthony" <Anthony.Tripp@dep.state.fl.us> wrote:

> The language does not exclude annual adjustments based upon inflation. The language in Condition 2 does allow for adjustment for inflation. Condition 2 also includes adjustments based upon other conditions that may occur that will affect the closure cost estimate. I do not envision you making any adjustments other than for inflation, but the condtion is crafted to include other contingencies.
>
> Tony
>
> ---
>
> **From:** Phillip G Ditter [phillip.ditter@veoliaes.com]
> **Sent:** Sunday, November 20, 2011 8:10 AM
> **To:** Tripp, Anthony
> **Cc:** Byer, James; Kothur, Bheem; Linda Dunwoody
> **Subject:** Re: Veolia draft permit correction
>
> Unless there is a regulatory basis for excluding annual adjustments based on inflation we believe they should be authorized and the permit modified to reflect that.
>
> Sent from my iPhone
>
> On Nov 19, 2011, at 10:38 PM, "Tripp, Anthony" <Anthony.Tripp@dep.state.fl.us> wrote:
>
>> Phil,
>>
>> I agree with you about the language you cite below. Unfortunately, there appears to be some confusion on which version of draft permit we are working with. I revised that language in the draft I sent you on November 15 (attached). If you accept the track changes in that document you end up with

the revised language provided here:

> 2. The Permittee shall annually update the closure cost estimates. The update shall not be based solely upon adjustments for inflation but shall include all changes to closure cost estimates. These estimates shall be based on costs incurred by independent third parties.
> 3. The Permittee shall close the facility as described in the Closure Plan in Attachment 9 of the permit application dated April 15, 2011, and revised on July 13, 2011, August 22, 2011. All changes to the Closure Plan must be Department approved and included in the permit as modifications as described in Part I, General and Standard Condition 21 of this permit.
>
> Hopefully, this language reads much better. Unfortunately, I am out of the office this week, but will be checking my e-mail every so often. The Intent needs to go out this coming week, so a rapid review would be greatly appreciated. Thanks.
>
> Tony

From: Phillip G Ditter [phillip.ditter@veoliaes.com]
Sent: Thursday, November 17, 2011 8:02 PM
To: Tripp, Anthony
Cc: Byer, James; Kothur, Bheem; Linda Dunwoody
Subject: RE: Veolia draft permit correction

I have gone over the draft permit and I do have some questions regarding the changes.

Page 17, Subpart A – Closure Conditions, item 2, requires an updated closure cost estimate to be prepared by a third party each year and an inflation

adjustment is not acceptable.
Page 17, Subpart A – Closure Conditions, item 3, requires that each revision to the Closure Plan be approved as a permit modification.

Since the closure cost estimate is referenced in the closure plan will this result in each annual cost estimate update being treated as permit modification? If the third party estimate goes down will a reduction in funding be allowed either automatically or what will the procedures be for such a change?

My understanding of the FL rules is that 40 CFR 264.142 closure cost estimate is adopted by reference. This section of the regulations requires that closure cost estimates be adjusted for inflation or recalculated. Based on item 2, it looks as though the permit would specifically exclude this provision contained within the rules. We believe that if a quality third party estimate is calculated initially, adjusting for inflation would provide adequate coverage for closure of the facility during the life of the permit. As such we would propose that the language in item 2 allow for an annual adjustment for inflation. We would also propose that item 3 be updated to reflect that the submittal of an updated closure cost estimate would not be classified as a modification of the permit.

Phillip Ditter
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From: Tripp, Anthony [mailto:Anthony.Tripp@dep.state.fl.us]
Sent: Tuesday, November 15, 2011 12:49 PM
To: Phillip G Ditter
Cc: Byer, James; Kothur, Bheem
Subject: Veolia draft permit correction

Phil,

There were two changes that should have gone on the document I sent earlier. The attached draft has those additional changes (page 2 for Universal Waste Handler, and page 9 for zip code).

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

Please take a few minutes to share your comments on the service you received from the department by clicking on this link. DEP Customer Survey.

<Comparison of permits 15Nov11.docx>