

From: Wyluda, John H. [jwyluda@triumvirate.com]
Sent: Tuesday, November 20, 2012 4:19 PM
To: Winston, Kathy
Cc: Barry, Richard M.; Lennon, John P. Jr; Green, James F.; Solis, Orlando; LoRusso, Christopher M.
Subject: RE: Notice of Potential Hazardous Waste Non-Compliance
Attachments: Images (FDEP).docx; Attachment K.pdf; FDEP Response Letter.pdf

Dear Kathy:

In response to the notice of potential hazardous waste non-compliance for Triumvirate Environmental (Florida) on 11/15/2012 Triumvirate has made the following corrections.

Item 1: Triumvirate stenciled the words, "used oil" on the cooker tank to replace the old label (image 5, image 6). Triumvirate removed the words "oily water" from tanks 13 and 14 with a placard stating "used oil" (image 3, image 2). The cooker tanker, tank 13 and tank 14 will be part of the daily inspection to ensure proper labels.

Item 2: Updated closure plan with Triumvirate Environmental (Florida) as the company name and attached the plan.

Item 3: Cleaned the sump (hole) in the concrete storage building next to product lubricants (image 1, image 2). Place boom around the sump (image 2) to prevent future sludge buildup. The sludge inside the sump was placed in the oily debris roll-off for disposal.

Sincerely,
John Wyluda
Lab Services and Compliance Coordinator

CC: Mail

John H. Wyluda
Lab Services and Compliance Coordinator | Triumvirate Environmental
P: 954.583.3795 | M: 443.370.8041
Email: jwyluda@triumvirate.com
www.triumvirate.com

John Wyluda
Lab Services and Compliance Coordinator
3701 SW 47th Avenue Suite 109
Davie, FL 33314
November 20, 2012

Kathy Winston
Inspector
Florida Department of Environmental Protection
400 North Congress Avenue, Suite 200
West Palm Beach, FL 33401

Dear Kathy:

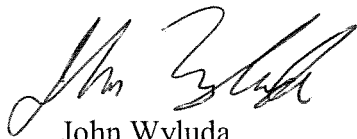
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Sincerely,

A handwritten signature in black ink, appearing to read 'John Wyluda', is written over a light blue horizontal line.

John Wyluda
Lab Services and Compliance Coordinator

CC: Mail

Image # 1



Image # 2



Image # 3



Image # 4



Image # 5



Image # 6



Attachment K

Closure Plan

- A. Closure Plan for Used Oil Processing Facility**
- B. Closure Plan for Solid Waste Processing Facility**
- C. Closure Cost Estimates and Financial Assurance**

Closure Plan

Used Oil Processing Facility

1.0 Introduction

1.1 Purpose

This closure plan is prepared in accordance with rule 62-710.800(3) for TEIFL, a used oil processing facility.

1.2 Scope

This closure plan describes the manner in the used oil treatment and storage areas of the facility will be closed in order to satisfy the requirements of closure performance pursuant to 62-710.800(3)(a), F.A.C.

1.3 Facility Information

TEIFL is a used oil processor, transporter, and oil filter recycler

Facility Location: Triumvirate Environmental (Florida) Inc., (TEIFL)
 3670 SW 47th Avenue
 Davie, FL 33314

EPA ID No: FLD 981 018 773

2.0 Closure Performance Standards

TEIFL, as owner/operator of the facility, shall close the solid waste processing area of the facility in a manner that:

- a. Minimizes the need for further maintenance;
- b. Provides for the removal of used oils stored in the area;
- c. Provides for the disposal of oil storage and processing equipment from the site;
- d. Demonstrates no contamination of groundwater has resulted from the facility operation;
- e. Demonstrates no contamination of the soil has resulted from the facilities operation

3.0 Closure Plan

Upon Closure, the used oil treatment and storage areas of the facility shall be closed. Partial closure may occur if areas of the facility are closed as a result of facility modifications.

3.1 Used Oil Disposal

The maximum storage capacity of the facility is approximately 450,000 gallons of used oil and oily wastewater. All used oil and material subject to the used oil regulations in storage at the

time of closure shall be transported by a permitted used oil transporter and recycled by a used oil processing and/or burner facility permitted by the Florida Department of Environmental Protection. Material subject to the used oil regulations generated during closure of the facility shall be transported by a permitted used oil transporter and recycled by a used oil processing and/or burner facility permitted by the Florida Department of Environmental Protection.

3.2 Secondary Containment Decontamination

Following the removal of all regulated materials the secondary containment units will be cleaned utilizing a 2,200 psi pressure washer or equivalent equipment. The tank, pipelines, equipment, and storage areas will be cleaned in a systematic manner to ensure the contaminating material is thoroughly removed. Wash water generated from the cleaning process will be collected and pumped directly into a tanker trailer for subsequent transportation and recycling. Secondary containment areas will be pressure washed until wash water shows no visual evidence of oil contamination.

As an alternative closure method, all tanks, piping, and equipment may be reused, if suitable. All tanks, piping, equipment shall be emptied of all free flowing used oil prior to removal from the facility for reuse. Any tanks, piping, and / or equipment, which cannot be reused, shall be recycled as scrap metal after proper cleaning.

3.3 Environmental Monitoring & Analysis

At the time of closure, groundwater monitor wells located in the vicinity of the used oil management activities shall be sampled in accordance with SW-846 protocols. The water sampled shall be tested for the presence of used oil by Methods 8010, 8020, 8270, and 418.1 (or their equivalent). Additionally four soil samples shall be obtained from the areas in the vicinity of the used oil management activities. Samples shall be taken in accordance with SW-846 protocols and tested by Methods 8010, 8020, 8270, and 418.1 (or their equivalent). Soils will also be analyzed for RCRA metals and organic constituents in accordance with the Toxicity Characteristic Leaching Procedure (TCLP). If the results from the groundwater and soil samples do not exceed regulatory levels, "clean closure" will be assumed.

Closure Plan

Solid Waste Processing Facility

4.0 Introduction

4.1 Purpose

This closure plan is prepared in accordance with rule 62-701.320(7) for TEIFL, also a solid waste processing facility in addition to being a used oil processing facility.

1.2 Scope

This closure plan describes the manner in which the solid waste processing area of the facility will be closed in order to satisfy the requirements of closure performance pursuant to 62-701.320(7), F.A.C.

1.3 Facility Information

TEIFL is a used oil processor, transporter, and oil filter recycler. TEIFL is also a permitted solid waste processing facility.

Facility Location: Triumvirate Environmental (Florida) Inc., (TEIFL)
 3670 SW 47th Avenue
 Davie, FL 33314

EPA ID No: FLD 981 018 773

5.0 Closure Performance Standards

TEIFL, as owner/operator of the facility, shall close the solid waste processing area of the facility in a manner that:

1. Minimizes the need for further maintenance;
2. Provides for the removal of non-hazardous wastes stored in the area;
3. Provides for the disposal of storage and processing equipment from the site;
4. Demonstrates no contamination of the soil has resulted from the facility's operation

6.0 Closure Plan

Upon Closure, the solid waste processing area of the facility shall be closed. This area consists of one 20 cubic yard roll-off container and drums of non-hazardous waste stored at the time of closure not to exceed 300 drums.

6.1 Non-Hazardous Waste Disposal

The maximum storage capacity of the one roll-off is 20 cubic yards. A maximum storage limit for drum non-hazardous waste is not recommended at this time. A storage limited for drummed

non-hazardous waste will be provided if deemed necessary by the Department. All non-hazardous waste, whether in drums or the roll-off at the time of closure shall be transported to a municipal landfill permitted by the Florida Department of Environmental Protection.

Secondary Containment Decontamination

The secondary containment serving the drums and roll-off containing non-hazardous waste is the same containment used for loading/unloading used oil / oily waste water. The secondary containment will be closed in accordance with the closure plan for used oil activities.

6.2 Environmental Monitoring & Analysis

At the time of closure, soil and groundwater will be monitored in accordance with the closure plan for the used oil processing facility. Groundwater monitor wells located in the vicinity of the used oil management activities shall be sampled in accordance with SW-846 protocols. The water sampled shall be tested for the presence of used oil by methods 8010, 8020, 8270, and 418.1 (or their equivalent). Additionally four soils samples shall be obtained from the areas in the vicinity of the used oil management activities. Samples shall be taken in accordance with SW-846 protocols and tested by Methods 8010, 8020, 8270, and 418.1 (or their equivalent). Soils will also be analyzed for RCRA metals and organic constituents in accordance with the Toxicity Characteristic Leaching Procedure (TCLP). If the test results from the groundwater and soil samples do not exceed regulatory levels, "clean closure will be assumed.



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road MS 4565
Tallahassee, Florida 32399-2400

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

September 27, 2011

Mr. James Green
Triumvirate Environmental (Florida), Inc.
3701 SW 47th Avenue, Suite 109
Davie, Florida 33314

Re: FLD 981018773 - Triumvirate Environmental (Florida), Inc.

Dear Mr. Green:

I reviewed the documentation submitted to demonstrate financial assurance for the above referenced facility and find it is in order. Lexon Insurance Company guarantee bond number 1024289, effective July 29, 2011, adequately covers the Department approved closing cost estimate of \$439,299.00. In addition, Webster Bank, National Association standby trust fund agreement, entered into as of July 29, 2011, is acceptable. Therefore, Triumvirate Environmental (Florida), Inc. is in compliance with the financial assurance requirements of 40 CFR Part 264, Subpart H, as adopted by reference in Rule 62-701.630, Florida Administrative Code, at this time.

If you have any questions, please contact me at (850) 245-8745.

Sincerely,

Frank Hornbrook
Environmental Specialist
Solid Waste Section

cc: Fred Wick, DEP/TLH
Bheem Kothur, DEP/TLH

LEXON Insurance Company

10002 Shelbyville Road, Suite 100, Louisville, KY 40223

Phone (502) 253-6500

Fax (502) 253-6570

To be attached to and form a part of Used Oil Facility

Bond No. 1017493

Dated March 23, 2006

of

Perma-Fix of Fort Lauderdale, Inc.

3701 SW 47th Avenue, #109, Fort Lauderdale, FL 33314

as Principal, and

LEXON INSURANCE COMPANY,

as surety, in favor of

Florida DEP, 2600 Blair Stone Road

MS 4565, Tallahassee, FL 32399-1400

as Obligor.

It is understood and agreed that the Bond is changed or revised in the particulars as indicated below:

Bond will be increased by \$14,958.00

Old Bond Amount: \$424,340.00

New Bond Amount: \$439,298.00

Said Bond shall be subject to all its terms, conditions, and limitations, except as herein expressly modified.

This Bond Rider shall become effective: March 23, 2011

IN WITNESS WHEREOF, LEXON INSURANCE COMPANY

has caused its corporate seal to be hereunto

affixed this: March 23, 2011

LEXON INSURANCE COMPANY

Attorney-in-Fact

Smith-Manus
2307 River Road, Suite 200
Louisville, KY 40206
Phone: (502) 636-9191
Fax: (502) 636-5328

BOND RENEWAL INVOICE



Remit to:
Smith-Manus
P.O. Box 952504
St. Louis, MO 63195

Mailing Address

Perma-Fix Environmental Services, Inc.
Attn: Ben Naccarato
8302 Dunwoody Place, Suite 250
Atlanta, GA 30350

Terms: Due Upon Receipt

Customer Copy

Bond Executed in the following Company:

Lexon Insurance Company

Principal:

Perma-Fix of FL Lauderdale, Inc.
3701 S W 47th Ave. #109
Ft. Lauderdale, FL 33314
Account Number: SMA001242

Obligee:

Florida DEP
2600 Blair Stone Road
Twin Towers Office Bldg
Tallahassee, FL 32399-2400

Bond Number- Term-Trans	Effective Date	Expiration Date	Statement
1017493-6-1	3/23/2011	3/23/2012	MAR 11

Bond Amount	Contract Amount	Type	Invoice Number
\$439,298.00	\$439,298.00	CONTRACT	126198-6-1

Bond Description
Used Oil Processing Facility Closure -Renewal bond which includes the \$14,958 increase

Kentucky Surcharge Amount	%	FL Hurricane Cat Fund	%
\$0.00	0.0%	\$85.66	1.3%

Premium	Plus Taxes	Total Customer Amount	Minus Broker Fee	Balance Due-SMA
\$6,589.00	\$85.66	\$6,674.66	\$0.00	\$6,674.66

Date Printed: 2/17/2011

Date Invoiced: 1/7/2011

To
Boyce
2/24/11

POWER OF ATTORNEY

LX - 84879

Lexon Insurance Company

KNOW ALL MEN BY THESE PRESENTS, that **LEXON INSURANCE COMPANY**, a Texas Corporation, with its principal office in Louisville, Kentucky, does hereby constitute and appoint: Brook T. Smith, Kathy Hobbs, Raymond M. Hundley, Jason D. Cromwell,

James H. Martin, Sandra F. Harper, Myrtie F. Henry, Virginia E. Woolridge, Deborah Neichter, Jill Kemp, Jackie C. Koestel, Sheryon Quinn

its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surety, any and all bonds, undertakings or other writings obligatory in nature of a bond.

This authority is made under and by the authority of a resolution which was passed by the Board of Directors of **LEXON INSURANCE COMPANY** on the 1st day of July, 2003 as follows:

Resolved, that the President of the Company is hereby authorized to appoint and empower any representative of the Company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond not to exceed \$2,500,000.00, Two-million five hundred thousand dollars, which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed for good cause and the authority so granted may be revoked as specified in the Power of Attorney.

Resolved, that the signature of the President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Vice President, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond of undertaking to which it is attached, continue to be valid and binding on the Company.

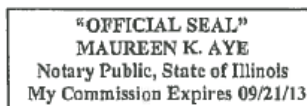
IN WITNESS THEREOF, **LEXON INSURANCE COMPANY** has caused this Instrument to be signed by its President, and its Corporate Seal to be affixed this 21st day of September, 2009.

**LEXON INSURANCE COMPANY**

BY 
David E. Campbell
President

ACKNOWLEDGEMENT

On this 21st day of September, 2009, before me, personally came David E. Campbell to me known, who being duly sworn, did depose and say that he is the President of **LEXON INSURANCE COMPANY**, the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.



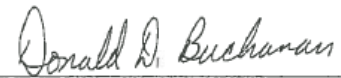

Maureen K. Aye
Notary Public

CERTIFICATE

I, the undersigned, Secretary of **LEXON INSURANCE COMPANY**, A Texas Insurance Company, DO HEREBY CERTIFY that the original Power of Attorney of which the foregoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Sealed at Woodridge, Illinois this 23rd Day of March, 2011.




Donald D. Buchanan
Secretary

"WARNING: Any person who knowingly and with intent to defraud any insurance company or other person, files an application for insurance or statement of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties."

LX1

