



Department of Environmental Protection

NOV 19 1997

Lawton Chiles
Governor

Southeast District
P.O. Box 15425
West Palm Beach, Florida 33416
NOTICE OF PERMIT

Virginia B. Wetherell
Secretary

CERTIFIED MAIL P#182109868
RETURN RECEIPT REQUESTED

Perma-Fix of Ft. Lauderdale, Inc.
3701 SW 47th Avenue, Suite 109
Davie, FL 33314
Attn: Mr. Christopher L. Blanton
General Manager

DEP File No. H006-307932
Broward County

Dear Mr. Christopher L. Blanton:


Enclosed is Permit Number H006-307932 to **Operate** a used oil processing facility previously operated under State Permit Number S006-289950.


Any party to this Order (permit) has the right to seek judicial review of the permit pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this Notice is filed with the Clerk of the Department.

If you have any questions, please contact John Jones of this office, telephone number (561) 681-6674.

Executed in West Palm Beach, Florida on this 18th day of November, 1997.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


Carlos Rivero-deAguilar
Director of District Management
Southeast District


CRA/VK/JJ/vp

CERTIFICATE OF SERVICE

This is to certify that this **NOTICE OF PERMIT** and all copies were mailed before the close of business on Nov. 19, 1997 to the listed persons.

FILING AND ACKNOWLEDGMENT: FILED, on this date, pursuant to §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.


Clerk

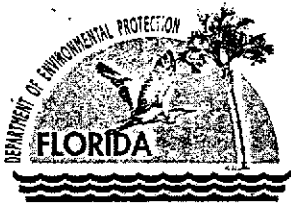
Nov. 19, 1997
Date

Copies furnished to:

File, West Palm Beach
Lorraine Verano, Broward County DNRP
Rick Neves, FDEP-Tallahassee

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

Printed on recycled paper.



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PERMITTEE:

Perma-Fix of Ft. Lauderdale, Inc.
3701 SW 47th Avenue, Suite 109
Davie, FL 33314

Attn.: Mr. Christopher L. Blanton
General Manager

I.D. Number: FLD 981 018 773
Permit/Cert Number: HO06-307932
Date of Issue: November 19, 1997
Expiration Date: November 19, 2002
County: Broward
Lat/Long: 24°04'34" N/80°12'37" W
Section/Township/Range: 25/50/41
Project: Used Oil Processing
Facility

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Rule(s) 62-4 and 62-710. The above named Permittee is hereby authorized to perform the work or operate the Facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

TO OPERATE: A Used Oil Processing Facility, consisting of container storage areas, an aboveground tank storage area, a wastewater pre-treatment system, and a load/unload area. (Hereinafter referred to as "Facility")

The Facility has 16 above-ground tanks which may be used to store or process used oil, oily wastewater, petroleum contact water, and other non-hazardous wastewaters as described in "Waste Oil Recycling Unit" and "Wastewater Treatment Unit" tables, Section 4, Page 29, and corresponding "Site Plan" of the permit application. All tanks are inside secondary containment. The Facility also has a hazardous drum staging area and a non-hazardous drum storage area. The Facility maintains a wastewater pretreatment system. The Facility is surrounded by a wall, a fence, and a gate for controlled access.

The Facility handles used oil, oily wastewater, oil filters, petroleum contact water, antifreeze, industrial wastewater, petroleum contaminated soils and sludges, and virgin fuel. Operation of the Facility will be in accordance with the permit application.

The Permittee also maintains a hazardous waste transfer facility at the site in accordance with Rule 62-730.171, F.A.C.

This permit replaces Permit No. SO06-289950.

IN ACCORDANCE WITH: Used Oil Processing Facility Permit Application and Instructions Final Draft (9/30/96) received June 18, 1997.

LOCATED AT: Perma-Fix of Ft. Lauderdale, Inc., 3670 SW 47th Avenue, Davie, Broward County, Florida, 33314 (Referred to as "Facility")

SUBJECT TO: General Conditions (1-15) and Specific Conditions (1-19).

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations, and restrictions set forth herein are "Permit Conditions" and as such are binding upon the Permittee and enforceable pursuant to the authority of Sections 403.141, 403.727, or 403.859 through 403.861, F.S. The Permittee is hereby placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of the "Permit Conditions" by the Permittee, its agents, employees, servants or representatives.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in Subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Nor does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit does not constitute a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.
4. This permit conveys no title to land or water, does not constitute state recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the state. Only the Trustees of the Internal Improvement Trust Fund may express state opinion as to title.
5. This permit does not relieve the Permittee from liability for harm or injury to human health or welfare, animal, plant or aquatic life or property and penalties therefor caused by the construction or operation of this permitted source, nor does it allow the Permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The Permittee shall at all times properly operate and maintain the Facility and systems of treatment and control (and related appurtenances) that are installed or used by the Permittee to achieve compliance with the conditions of this permit, as required by Department rules.
7. The Permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law, access to the premises, at reasonable times, where the permitted activity is located or conducted for the purpose of:
 - (a) Having access to and copying any records that must be kept under the conditions of the permit;
 - (b) Inspecting the Facility, equipment, practices, or operations regulated or required under this permit; and
 - (c) Sampling or monitoring any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

Reasonable time may depend on the nature of the concern being investigated.

GENERAL CONDITIONS (Continued):

8. If, for any reason, the Permittee does not comply with or will be unable to comply with any condition or limitation specified in the permit, the Permittee shall immediately notify and provide the Department with the following information:
 - (a) a description of and cause of non-compliance; and
 - (b) the period of non-compliance, including exact dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance. The Permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or revocation of this permit.
9. In accepting this permit, the Permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source, which are submitted to the Department, may be used by the Department as evidence in any enforcement case arising under the Florida Statutes or Department rules, except where such use is proscribed by Sections 403.73 and 403.111, F.S.
10. The Permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance, provided however, the Permittee does not waive any other rights granted by Florida Statutes or Department rules.
11. This permit is transferable only upon Department approval in accordance with Rules 62-4.120 and 62-730.300, F.A.C., as applicable. The Permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
12. This permit is required to be kept at the work site of the permitted activity during the entire period of construction or operation.
13. This permit also constitutes:
 - () Determination of Best Available Control Technology (BACT)
 - () Determination of Prevention of Significant Deterioration (PSD)
 - () Certification of Compliance with State Water Quality Standards (Section 401, PL 92-500)
 - () Compliance with New Source Performance Standards

GENERAL CONDITIONS (Continued):

14. The Permittee shall comply with the following monitoring and record keeping requirements:
- (a) Upon request, the Permittee shall furnish all records and plans required under Department rules. The retention period for all records will be extended automatically, unless otherwise stipulated by the Department, during the course of any unresolved enforcement action.
 - (b) The Permittee shall retain at the Facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation), copies of all reports required by this permit, and records of all data used to complete the application for this permit. The time period of retention shall be at least three years from the date of the sample, measurement, report or application unless otherwise specified by Department rule.
 - (c) Records of monitoring information shall include:
 - the date, exact place, and time of sampling or measurements;
 - the person responsible for performing the sampling or measurements
 - the date(s) analyses were performed;
 - the person responsible for performing the analyses;
 - analytical techniques or methods used; and
 - results of such analyses.
15. When requested by the Department, the Permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the Permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be submitted or corrected promptly.

Perma-Fix of Ft. Lauderdale, Inc.
3701 SW 47th Avenue, Suite 109
Davie, FL 33314
Page 5 of 15

Permit/Cert Number: HO06-307932
Project: Used Oil Processing
Facility

SPECIFIC CONDITIONS:

PART I - STANDARD REQUIREMENTS:

1. Submittals in response to these conditions shall be submitted as follows:

(a) Two (2) copies shall be submitted to:

Hazardous Waste Program Manager
Department of Environmental Protection
Southeast District
400 North Congress Avenue
P.O. Box 15425
West Palm Beach, Florida 33416-5425

(b) One (1) copy shall be submitted to:

Environmental Administrator
Hazardous Waste Management Section
Bureau of Solid and Hazardous Waste
Department of Environmental Protection
2600 Blair Stone Road, MS 4555
Tallahassee, Florida 32399-2400

2. The Permittee shall annually register its used oil handling activities with the Department on DEP Form 62-701.900(13) by March 1 of each year.

3. The Permittee shall display the validated registration form and identification number in a prominent place at each facility location. [Rule 62-710.500(4), F.A.C.]

4. Pursuant to 40 CFR 279.56 and Rule 62-710.510(1) the Permittee must comply with the following tracking requirements: (The Permittee shall maintain records on DEP Form 62-701.900(13) or on substantially equivalent forms which contain at least the same information as the Department form. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents which include all of the following information.)

(a) Acceptance. The Permittee must keep a record of each used oil shipment accepted for processing. Records for each shipment must include the following information:

- (1) The name and address of the transporter who delivered the used oil to the Permittee;
- (2) The source of the used oil, including the name and street address of each source, the EPA identification number of the source, if applicable;
- (3) The EPA identification number of the transporter who delivered the used oil to the Permittee;
- (4) The EPA identification number (if applicable) of the generator or processor from whom the used oil was sent;
- (5) The total number of gallons of used oil received from each source, including any oily wastes which may be an integral part of the used oil shipment. This includes the type of used oil received, using the type code designation found in the form instructions; and
- (6) The date of receipt/acceptance.

SPECIFIC CONDITIONS: (Continued)

- (b) Delivery. The Permittee must keep a record of each shipment of used oil that is shipped to a used oil burner, processor/re-refiner, or disposal facility. Records for each shipment must include the following information:
 - (1) The name and address of the transporter who delivers the used oil to the burner, processor/re-refiner or disposal facility;
 - (2) The name and address of the burner, processor/re-refiner or disposal facility who will receive the used oil along with the end use code designation found in the form instructions;
 - (3) The EPA identification number of the transporter who delivers the used oil to the burner, processor/re-refiner or disposal facility;
 - (4) The EPA identification number of the burner, processor/re-refiner, or disposal facility who will receive the used oil;
 - (5) The quantity of used oil shipped; and
 - (6) The date of shipment.
 - (c) Record retention. All records required by this permit, including the records described in paragraphs (a) and (b) of this section, must be maintained for at least three years. The records shall be kept at the street address of the Permittee and shall be available for inspection by the Department during normal business hours.
- 5. The Permittee shall maintain documentation of any shipment of used oil which is refused due to suspected mixing with hazardous waste. The Permittee shall notify the Department's Southeast District Office, Hazardous Waste Section Supervisor, at (561) 681-6600.
 - 6. Pursuant to 40 CFR 279.57 the Permittee must keep a written operating record at the Facility. This includes the following information, which must be recorded as it becomes available and maintained in the operating record until closure of the Facility:
 - (a) Records and results of used oil analyses performed as described in the analysis plan required under 40 CFR 279.55; and
 - (b) Summary reports and details of all incidents that require implementation of the contingency plan as specified in 40 CFR 279.52(b).
 - 7. No later than March 1 of each year, the Permittee shall submit an annual report for the preceding calendar year to the Department on DEP Form 62-701.900(14). The report shall summarize the records kept pursuant to 40 CFR 279.57(b) and Rule 62-710, F.A.C. and shall also include:
 - (a) The EPA identification number, name, and address of the Permittee;
 - (b) The calendar year covered by the report; and
 - (c) The quantities of used oil accepted for processing and the manner in which the used oil is processed, including the specific processes employed.
 - 8. The Permittee shall operate, modify, or close the Facility only pursuant to this permit issued by the Department in accordance with Rule 62-710, F.A.C.

SPECIFIC CONDITIONS: (Continued)

9. Aboveground storage and process tanks, having a capacity greater than 550 gallons, and all integral piping shall comply with the performance standards of Rule 62-762.500, F.A.C., for new tanks, Rule 62-762.510, F.A.C., for existing shop-fabricated tanks, or Rule 62-762.520, F.A.C., for existing field erected tanks. The required assessment for structural integrity and tightness for process and storage tank integral piping shall be completed by December 31, 1997. Repairs to aboveground storage and process tanks shall meet the criteria of Rule 62-762.700, F.A.C.
10. The inspection records and release detection monitoring required in Rule 62-762.600, F.A.C., for aboveground storage and process tanks and integral piping shall be maintained in the Permittee's operating record.
11. Before closing or making any substantial modification to the Facility, the Permittee shall submit to the Department the Used Oil Processing Facility Permit Modification Request, pursuant to Rules 62-4.080 and 62-710.800(6), F.A.C. The engineering aspects of the request must be certified by a Professional Engineer.
 - (a) Pursuant to Rules 62-4.050(6,7) and 62-710.800(6)(a), F.A.C., a substantial modification means a modification which is reasonably expected to lead to substantially different environmental impacts which require a detailed review. For purposes of this subsection, an increase in storage capacity of the Facility by 25% or 25,000 gallons, whichever is less, is considered a substantial modification.
 - (b) Pursuant to Rules 62-4.050(4)(r) and 62-710.800(6)(b), F.A.C., a minor modification means a modification that does not require substantial technical evaluation by the Department, does not require a new site inspection by the Department, and will not lead to substantially different environmental impacts or will lessen the impacts of the original permit. For purposes of this subsection, replacement of existing tanks with new tanks is considered a minor modification.
 - (c) Pursuant to Rule 62-710.800(6)(c), F.A.C., changes at the Facility which involve routine maintenance, such as repair of equipment, replacement of equipment with similar equipment, aesthetic changes, or minor operational changes are not considered modifications, do not have to be reported to the Department, and require no permit fee. The Permittee should contact the Department if there are questions as to whether a change would be considered routine maintenance.
12. Notwithstanding the provisions of Rule 62-4.050, F.A.C., the fee for a used oil processor permit application is \$2,000. The fee for a substantial modification to the permit or permit renewal application is \$500. No permit fee is required for minor modifications. Applications for renewal of permits shall be submitted to the Department at least 60 days prior to the expiration date of the existing permit in accordance with Rule 62-4.090, F.A.C.

SPECIFIC CONDITIONS: (Continued)

13. The closure plan:

- (a) The Permittee shall maintain an adequate written closure plan and it must demonstrate how the Facility will be closed to meet the following requirements:
 - (1) There will be no need for further facility maintenance;
 - (2) Used oil will not contaminate surface or ground water;
 - (3) All tanks, piping, secondary containment and ancillary equipment will be emptied, cleaned and decontaminated, and all materials removed and managed; and
 - (4) Aboveground tanks. Aboveground storage and process tanks and all integral piping will be closed pursuant to Rule 62-762, F.A.C. and 40 CFR 279.54(h). Permittees who store or process used oil in aboveground tanks must comply with the following requirements:
 - (i) At closure of a tank system, the Permittee must remove or decontaminate used oil residues in tanks, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them as hazardous waste, unless the materials are not hazardous waste as defined in 40 CFR 261 or determined, pursuant to 40 CFR 262.11.
 - (ii) If the Permittee demonstrates that not all contaminated soils can be practicably removed or decontaminated as required, then the Permittee must close the tank system and perform post-closure care in accordance with the closure and post-closure care requirements that apply to hazardous waste landfills as defined in 40 CFR 265.310.
 - (5) Containers. Pursuant to closure requirements of 40 CFR 279.54(h), Permittees who store used oil in containers must comply with the following requirements:
 - (i) At closure, containers holding used oils or residues of used oil must be removed from the site;
 - (ii) The Permittee must remove or decontaminate used oil residues, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them as hazardous waste, unless the materials are not hazardous waste as defined in 40 CFR 261 or determined, pursuant to 40 CFR 262.11.
- (b) The closure plan shall be updated whenever significant operational changes occur or design changes are made.
- (c) The closure plan shall be maintained with records required under Rule 62-710.510, F.A.C.
- (d) The Permittee shall submit an updated and detailed closure plan to the Department at least 60 days prior to the scheduled date of closing the Facility.
- (e) Within 30 days after closing the Facility, the Permittee shall submit a certification of closure completion to the Department which demonstrates that the Facility was closed in substantial compliance with the detailed closure plan.

SPECIFIC CONDITIONS: (Continued)

14. The Permittee must comply with General Facility Standards pursuant to 40 CFR 279.52 and Rule 62-710.800(1) as follows:

(a) Preparedness and prevention. The Permittee must comply with the following requirements:

- (1) Maintenance and operation of Facility. The Facility must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water which could threaten human health or the environment.
- (2) Required equipment. The Facility must be equipped with the following:
 - (i) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to Facility personnel;
 - (ii) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams;
 - (iii) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment and decontamination equipment; and
 - (iv) Water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems.
- (3) Testing and maintenance of equipment. All Facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.
- (4) Access to communications or alarm system.
 - (i) Whenever used oil is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee.
 - (ii) If there is ever just one employee on the premises while the Facility is operating, the employee must have immediate access to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance.
- (5) Required aisle space. The Permittee must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of Facility operation in an emergency.
- (6) Arrangements with local authorities.
 - (i) The Permittee must maintain the following arrangements:
 - (A) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the Facility, properties of used oil handled at the Facility and associated hazards, places where Facility personnel would normally be working, entrances to roads inside the Facility, and possible evacuation routes;

SPECIFIC CONDITIONS: (Continued)

- (B) Where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority;
 - (C) Agreements with State emergency response teams, emergency response contractors, and equipment suppliers; and
 - (D) Arrangements to familiarize local hospitals with the properties of used oil handled at the Facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the Facility.
- (ii) Where State or local authorities decline to enter into such arrangements, the Permittee must document the refusal in the operating record.
- (b) Contingency plan and emergency procedures. The Permittee must comply with the following requirements:
- (1) Purpose and implementation of contingency plan.
 - (i) The Permittee must have a contingency plan for the Facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water.
 - (ii) The provisions of the plan must be carried out immediately whenever there is a fire, explosion, or release of used oil which could threaten human health or the environment.
 - (2) Content of contingency plan.
 - (i) The contingency plan must describe the actions Facility personnel must take to comply with paragraphs (b) (1) and (6) of this section in response to fires, explosions, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water at the Facility.
 - (ii) The Permittee may amend a Spill Prevention, Control, and Countermeasures (SPCC) Plan to comply with the requirements of this part.
 - (iii) The plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services, pursuant to paragraph (a) (6) of this section.
 - (iv) The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see paragraph (b) (5) of this section), and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates.
 - (v) The plan must include a list of all emergency equipment at the Facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.

SPECIFIC CONDITIONS: (Continued)

- (vi) The plan must include an evacuation plan for Facility personnel where there is a possibility that evacuation could be necessary. This plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of used oil or fires).
- (3) Copies of contingency plan. A copy of the contingency plan and all revisions to the plan must be:
 - (i) Maintained at the Facility; and
 - (ii) Submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.
- (4) Amendment of contingency plan. The contingency plan must be reviewed, and immediately amended, if necessary, whenever:
 - (i) Applicable regulations are revised;
 - (ii) The plan fails in an emergency;
 - (iii) The Facility changes in its design, construction, operation, maintenance, or other circumstances in a way that materially increases the potential for fires, explosions, or releases of used oil, or changes the response necessary in an emergency;
 - (iv) The list of emergency coordinators changes; or
 - (v) The list of emergency equipment changes.
- (5) Emergency coordinator. At all times, there must be at least one employee either on the Facility premises or on call (i.e., available to respond to an emergency by reaching the Facility within a short period of time) with the responsibility for coordinating all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the Facility's contingency plan, all operations and activities at the Facility, the location and characteristic of used oil handled, the location of all records within the Facility, and Facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.
- (6) Emergency procedures.
 - (i) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or the designee when the emergency coordinator is on call) must immediately:
 - (A) Activate internal Facility alarms or communication systems, where applicable, to notify all Facility personnel; and
 - (B) Notify appropriate State or local agencies with designated response roles if their help is needed.
 - (ii) Whenever there is a release, fire, or explosion, the emergency coordinator must immediately identify the character, exact source, amount, and a real extent of any released materials. He may do this by observation or review of Facility records of manifests and, if necessary, by chemical analyses.
 - (iii) Concurrently, the emergency coordinator must assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-offs from water of chemical agents used to control fire and heat-induced explosions).

SPECIFIC CONDITIONS: (Continued)

- (iv) If the emergency coordinator determines that the Facility has had a release, fire, or explosion which could threaten human health, or the environment, outside the Facility, he must report his findings as follows:
 - (A) If his assessment indicated that evacuation of local areas may be advisable, he must immediately notify appropriate local authorities. He must be available to help appropriate officials decide whether local areas should be evacuated; and
 - (B) He must immediately notify the Department's State Warning Point at 850/413-9911 and the National Response Center (using their 24-hour toll free number 800/424-8802). The report must include:
 - (1) Name and telephone number of reporter;
 - (2) Name and address of Facility;
 - (3) Time and type of incident (e.g., release, fire);
 - (4) Name and quantity of material(s) involved, to the extent known;
 - (5) The extent of injuries, if any; and
 - (6) The possible hazards to human health, or the environment, outside the Facility.
- (v) During an emergency, the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other used oil or hazardous waste at the Facility. These measures must include, where applicable, stopping processes and operation, collecting and containing released used oil, and removing or isolating containers.
- (vi) If the Facility stops operation in response to a fire, explosion, or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.
- (vii) Immediately after an emergency, the emergency coordinator must provide for recycling, storing, or disposing of recovered used oil, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the Facility.
- (viii) The emergency coordinator must ensure that, in the affected area(s) of the Facility:
 - (A) No waste or used oil that may be incompatible with the released material is recycled, treated, stored, or disposed of until cleanup procedures are completed; and
 - (B) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.
 - (C) The Permittee must notify the Department that the Facility is in compliance with paragraphs (b)(6)(viii)(A) and (B) of this section before operations are resumed in the affected area(s) of the Facility.

SPECIFIC CONDITIONS: (Continued)

- (ix) The Permittee must note in the operating record the time, date and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, he must submit a written report on the incident to the Department. The report must include:
 - (A) Name, address, and telephone number of the Permittee;
 - (B) Name, address, and telephone number of the Facility;
 - (C) Date, time, and type of incident (e.g., fire, explosion);
 - (D) Name and quantity of material(s) involved;
 - (E) The extent of injuries, if any;
 - (F) An assessment of actual or potential hazards to human health or the environment, where this is applicable;
 - (G) Estimated quantity and disposition of recovered material that resulted from the incident.
- 15. The Permittee must comply with the following requirements, pursuant to 40 CFR 279.53, regarding the rebuttable presumption for used oil.
 - (a) To ensure that used oil managed by the Permittee is not hazardous waste under the rebuttable presumption of 40 CFR 279.10(b)(1)(ii), the Permittee must determine whether the total halogen content of used oil managed at the Facility is above or below 1,000 ppm.
 - (b) The Permittee must make this determination by:
 - (1) Testing the used oil; or
 - (2) Applying knowledge of the halogen content of the used oil in light of the materials or processes used.
 - (c) If the used oil contains greater than or equal to 1,000 ppm total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in 40 CFR 261, Subpart D. The Permittee may rebut the presumption by demonstrating that the used oil does not contain hazardous waste or show it to be exempt as allowed in 40 CFR 279.53(c)(1,2).
- 16. The Permittee must comply with the used oil management standards, pursuant to 40 CFR 279.54, and all applicable Spill Prevention, Control and Countermeasures, pursuant to 40 CFR 112, in addition to the following.
 - (a) Management units. The Permittee may not store used oil in units other than tanks, containers, or units subject to regulation under 40 CFR 264 or 265.
 - (b) Condition of units. Containers and aboveground tanks used to store or process used oil at the Facility must be:
 - (1) In good condition (no severe rusting, apparent structural defects or deterioration); and
 - (2) Not leaking (no visible leaks).
 - (c) Secondary containment for containers and aboveground tanks. Containers and aboveground tanks used to store or process used oil at the Facility must be equipped with a secondary containment system.
 - (1) The secondary containment system must consist of, at a minimum:
 - (i) Dikes, berms or retaining walls; and
 - (ii) A floor. The floor must cover the entire area within the dike, berm, or retaining wall; or
 - (iii) An equivalent secondary containment system.

SPECIFIC CONDITIONS: (Continued)

- (2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.
 - (d) Labels. Containers and aboveground tanks used to store or process used oil at the Facility must be labeled or marked clearly with the words "Used Oil."
 - (e) Response to releases. Upon detection of a release of used oil to the environment the Facility must perform the following cleanup steps:
 - (1) Stop the release;
 - (2) Contain the released used oil;
 - (3) Clean up and manage properly the released used oil and other materials; and
 - (4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.
17. Pursuant to 40 CFR 279.55, the Permittee must maintain a written analysis plan and follow the procedures it contains to comply with the analysis requirements of 40 CFR 279.53 and, if applicable, 40 CFR 279.72. The Permittee must keep the plan at the Facility.
- (a) Rebuttable presumption for used oil in 40 CFR 279.53. At a minimum, the plan must specify the following:
 - (1) Whether sample analyses or knowledge of the halogen content of the used oil will be used to make this determination.
 - (2) If sample analyses are used to make this determination:
 - (i) The sampling method used to obtain representative samples to be analyzed.
 - (ii) The frequency of sampling to be performed, and whether the analysis will be performed on-site or off-site; and
 - (iii) The methods used to analyze used oil for the parameters specified in 40 CFR 279.53; and
 - (3) The type of information that will be used to determine the halogen content of the used oil.
 - (b) On-specification used oil fuel in 40 CFR 279.72. At a minimum, the plan must specify the following if 40 CFR 279.72 is applicable:
 - (1) Whether sample analyses or other information will be used to make this determination;
 - (2) If sample analyses are used to make this determination:
 - (i) The sampling method used to obtain representative samples to be analyzed. A representative sample may be obtained using either:
 - (A) One of the sampling methods in 40 CFR 261, Appendix I; or
 - (B) A method shown to be equivalent under 40 CFR 260.20 and 260.21;
 - (ii) Whether used oil will be sampled and analyzed prior to or after any processing;
 - (iii) The frequency of sampling to be performed, and whether the analysis will be performed on-site or off-site; and
 - (iv) The methods used to analyze used oil for the parameters specified in 40 CFR 279.72 and 40 CFR 279.11; and
 - (3) The type of information that will be used to make the on-specification used oil fuel determination.
18. Pursuant to 40 CFR 279.58, the Permittee may only initiate shipments of used oil off-site using a used oil transporter who has obtained an EPA identification number.

Perma-Fix of Ft. Lauderdale, Inc.
3701 SW 47th Avenue, Suite 109
Davie, FL 33314
Page 15 of 15

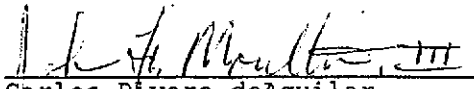
Permit/Cert Number: H006-307932
Project: Used Oil Processing
Facility

SPECIFIC CONDITIONS: (Continued)

19. Pursuant to 40 CFR 279.59, the Permittee must manage the residues generated from the storage and processing of used oil as specified in 40 CFR 279.10(e).

Issued this 15th day of November, 1997

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Sw 

Carlos Rivero-deAguilar
Director of District Management
Southeast District

VK
RCRA/VK/JJ/vp



Department of Environmental Protection

Lawton Chiles
Governor

Southeast District
P.O. Box 15425
West Palm Beach, Florida 33416

Virginia B. Wetherell
Secretary

PERMITTEE:

Perma-Fix of Ft. Lauderdale, Inc.
3701 SW 47th Avenue, Suite 109
Davie, FL 33314

Attn.: Mr. Christopher L. Blanton
General Manager

I.D. Number: FLD 981 018 773
Permit/Cert Number: HO06-307932
Date of Issue: November 19, 1997
Expiration Date: November 19, 2002
County: Broward
Lat/Long: 24°04'34" N/80°12'37" W
Section/Township/Range: 25/50/41
Project: Used Oil Processing
Facility

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Rule(s) 62-4 and 62-710. The above named Permittee is hereby authorized to perform the work or operate the Facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

TO OPERATE: A Used Oil Processing Facility, consisting of container storage areas, an aboveground tank storage area, a wastewater pre-treatment system, and a load/unload area. (Hereinafter referred to as "Facility")

The Facility has 16 above-ground tanks which may be used to store or process used oil, oily wastewater, petroleum contact water, and other non-hazardous wastewaters as described in "Waste Oil Recycling Unit" and "Wastewater Treatment Unit" tables, Section 4, Page 29, and corresponding "Site Plan" of the permit application. All tanks are inside secondary containment. The Facility also has a hazardous drum staging area and a non-hazardous drum storage area. The Facility maintains a wastewater pretreatment system. The Facility is surrounded by a wall, a fence, and a gate for controlled access.

The Facility handles used oil, oily wastewater, oil filters, petroleum contact water, antifreeze, industrial wastewater, petroleum contaminated soils and sludges, and virgin fuel. Operation of the Facility will be in accordance with the permit application.

The Permittee also maintains a hazardous waste transfer facility at the site in accordance with Rule 62-730.171, F.A.C.

This permit replaces Permit No. SO06-289950.

IN ACCORDANCE WITH: Used Oil Processing Facility Permit Application and Instructions Final Draft (9/30/96) received June 18, 1997.

LOCATED AT: Perma-Fix of Ft. Lauderdale, Inc., 3670 SW 47th Avenue, Davie, Broward County, Florida, 33314 (Referred to as "Facility")

SUBJECT TO: General Conditions (1-15) and Specific Conditions (1-19).

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations, and restrictions set forth herein are "Permit Conditions" and as such are binding upon the Permittee and enforceable pursuant to the authority of Sections 403.141, 403.727, or 403.859 through 403.861, F.S. The Permittee is hereby placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of the "Permit Conditions" by the Permittee, its agents, employees, servants or representatives.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in Subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Nor does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit does not constitute a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.
4. This permit conveys no title to land or water, does not constitute state recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the state. Only the Trustees of the Internal Improvement Trust Fund may express state opinion as to title.
5. This permit does not relieve the Permittee from liability for harm or injury to human health or welfare, animal, plant or aquatic life or property and penalties therefor caused by the construction or operation of this permitted source, nor does it allow the Permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The Permittee shall at all times properly operate and maintain the Facility and systems of treatment and control (and related appurtenances) that are installed or used by the Permittee to achieve compliance with the conditions of this permit, as required by Department rules.
7. The Permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law, access to the premises, at reasonable times, where the permitted activity is located or conducted for the purpose of:
 - (a) Having access to and copying any records that must be kept under the conditions of the permit;
 - (b) Inspecting the Facility, equipment, practices, or operations regulated or required under this permit; and
 - (c) Sampling or monitoring any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.Reasonable time may depend on the nature of the concern being investigated.

GENERAL CONDITIONS (Continued):

8. If, for any reason, the Permittee does not comply with or will be unable to comply with any condition or limitation specified in the permit, the Permittee shall immediately notify and provide the Department with the following information:
 - (a) a description of and cause of non-compliance; and
 - (b) the period of non-compliance, including exact dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance. The Permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or revocation of this permit.
9. In accepting this permit, the Permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source, which are submitted to the Department, may be used by the Department as evidence in any enforcement case arising under the Florida Statutes or Department rules, except where such use is proscribed by Sections 403.73 and 403.111, F.S.
10. The Permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance, provided however, the Permittee does not waive any other rights granted by Florida Statutes or Department rules.
11. This permit is transferable only upon Department approval in accordance with Rules 62-4.120 and 62-730.300, F.A.C., as applicable. The Permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
12. This permit is required to be kept at the work site of the permitted activity during the entire period of construction or operation.
13. This permit also constitutes:
 - () Determination of Best Available Control Technology (BACT)
 - () Determination of Prevention of Significant Deterioration (PSD)
 - () Certification of Compliance with State Water Quality Standards (Section 401, PL 92-500)
 - () Compliance with New Source Performance Standards

GENERAL CONDITIONS (Continued):

14. The Permittee shall comply with the following monitoring and record keeping requirements:
 - (a) Upon request, the Permittee shall furnish all records and plans required under Department rules. The retention period for all records will be extended automatically, unless otherwise stipulated by the Department, during the course of any unresolved enforcement action.
 - (b) The Permittee shall retain at the Facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation), copies of all reports required by this permit, and records of all data used to complete the application for this permit. The time period of retention shall be at least three years from the date of the sample, measurement, report or application unless otherwise specified by Department rule.
 - (c) Records of monitoring information shall include:
 - the date, exact place, and time of sampling or measurements;
 - the person responsible for performing the sampling or measurements
 - the date(s) analyses were performed;
 - the person responsible for performing the analyses;
 - analytical techniques or methods used; and
 - results of such analyses.
15. When requested by the Department, the Permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the Permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be submitted or corrected promptly.

SPECIFIC CONDITIONS:

PART I - STANDARD REQUIREMENTS:

1. Submittals in response to these conditions shall be submitted as follows:

(a) Two (2) copies shall be submitted to:

Hazardous Waste Program Manager
Department of Environmental Protection
Southeast District
400 North Congress Avenue
P.O. Box 15425
West Palm Beach, Florida 33416-5425

(b) One (1) copy shall be submitted to:

Environmental Administrator
Hazardous Waste Management Section
Bureau of Solid and Hazardous Waste
Department of Environmental Protection
2600 Blair Stone Road, MS 4555
Tallahassee, Florida 32399-2400

2. The Permittee shall annually register its used oil handling activities with the Department on DEP Form 62-701.900(13) by March 1 of each year.

3. The Permittee shall display the validated registration form and identification number in a prominent place at each facility location.
[Rule 62-710.500(4), F.A.C.]

4. Pursuant to 40 CFR 279.56 and Rule 62-710.510(1) the Permittee must comply with the following tracking requirements: (The Permittee shall maintain records on DEP Form 62-701.900(13) or on substantially equivalent forms which contain at least the same information as the Department form. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents which include all of the following information.)

- (a) Acceptance. The Permittee must keep a record of each used oil shipment accepted for processing. Records for each shipment must include the following information:
- (1) The name and address of the transporter who delivered the used oil to the Permittee;
 - (2) The source of the used oil, including the name and street address of each source, the EPA identification number of the source, if applicable;
 - (3) The EPA identification number of the transporter who delivered the used oil to the Permittee;
 - (4) The EPA identification number (if applicable) of the generator or processor from whom the used oil was sent;
 - (5) The total number of gallons of used oil received from each source, including any oily wastes which may be an integral part of the used oil shipment. This includes the type of used oil received, using the type code designation found in the form instructions; and
 - (6) The date of receipt/acceptance.

SPECIFIC CONDITIONS: (Continued)

- (b) Delivery. The Permittee must keep a record of each shipment of used oil that is shipped to a used oil burner, processor/re-refiner, or disposal facility. Records for each shipment must include the following information:
 - (1) The name and address of the transporter who delivers the used oil to the burner, processor/re-refiner or disposal facility;
 - (2) The name and address of the burner, processor/re-refiner or disposal facility who will receive the used oil along with the end use code designation found in the form instructions;
 - (3) The EPA identification number of the transporter who delivers the used oil to the burner, processor/re-refiner or disposal facility;
 - (4) The EPA identification number of the burner, processor/re-refiner, or disposal facility who will receive the used oil;
 - (5) The quantity of used oil shipped; and
 - (6) The date of shipment.
 - (c) Record retention. All records required by this permit, including the records described in paragraphs (a) and (b) of this section, must be maintained for at least three years. The records shall be kept at the street address of the Permittee and shall be available for inspection by the Department during normal business hours.
- 5. The Permittee shall maintain documentation of any shipment of used oil which is refused due to suspected mixing with hazardous waste. The Permittee shall notify the Department's Southeast District Office, Hazardous Waste Section Supervisor, at (561)681-6600.
 - 6. Pursuant to 40 CFR 279.57 the Permittee must keep a written operating record at the Facility. This includes the following information, which must be recorded as it becomes available and maintained in the operating record until closure of the Facility:
 - (a) Records and results of used oil analyses performed as described in the analysis plan required under 40 CFR 279.55; and
 - (b) Summary reports and details of all incidents that require implementation of the contingency plan as specified in 40 CFR 279.52(b).
 - 7. No later than March 1 of each year, the Permittee shall submit an annual report for the preceding calendar year to the Department on DEP Form 62-701.900(14). The report shall summarize the records kept pursuant to 40 CFR 279.57(b) and Rule 62-710, F.A.C. and shall also include:
 - (a) The EPA identification number, name, and address of the Permittee;
 - (b) The calendar year covered by the report; and
 - (c) The quantities of used oil accepted for processing and the manner in which the used oil is processed, including the specific processes employed.
 - 8. The Permittee shall operate, modify, or close the Facility only pursuant to this permit issued by the Department in accordance with Rule 62-710, F.A.C.

SPECIFIC CONDITIONS: (Continued)

9. Aboveground storage and process tanks, having a capacity greater than 550 gallons, and all integral piping shall comply with the performance standards of Rule 62-762.500, F.A.C., for new tanks, Rule 62-762.510, F.A.C., for existing shop-fabricated tanks, or Rule 62-762.520, F.A.C., for existing field erected tanks. The required assessment for structural integrity and tightness for process and storage tank integral piping shall be completed by December 31, 1997. Repairs to aboveground storage and process tanks shall meet the criteria of Rule 62-762.700, F.A.C.
10. The inspection records and release detection monitoring required in Rule 62-762.600, F.A.C., for aboveground storage and process tanks and integral piping shall be maintained in the Permittee's operating record.
11. Before closing or making any substantial modification to the Facility, the Permittee shall submit to the Department the Used Oil Processing Facility Permit Modification Request, pursuant to Rules 62-4.080 and 62-710.800(6), F.A.C. The engineering aspects of the request must be certified by a Professional Engineer.
 - (a) Pursuant to Rules 62-4.050(6,7) and 62-710.800(6)(a), F.A.C., a substantial modification means a modification which is reasonably expected to lead to substantially different environmental impacts which require a detailed review. For purposes of this subsection, an increase in storage capacity of the Facility by 25% or 25,000 gallons, whichever is less, is considered a substantial modification.
 - (b) Pursuant to Rules 62-4.050(4)(r) and 62-710.800(6)(b), F.A.C., a minor modification means a modification that does not require substantial technical evaluation by the Department, does not require a new site inspection by the Department, and will not lead to substantially different environmental impacts or will lessen the impacts of the original permit. For purposes of this subsection, replacement of existing tanks with new tanks is considered a minor modification.
 - (c) Pursuant to Rule 62-710.800(6)(c), F.A.C., changes at the Facility which involve routine maintenance, such as repair of equipment, replacement of equipment with similar equipment, aesthetic changes, or minor operational changes are not considered modifications, do not have to be reported to the Department, and require no permit fee. The Permittee should contact the Department if there are questions as to whether a change would be considered routine maintenance.
12. Notwithstanding the provisions of Rule 62-4.050, F.A.C., the fee for a used oil processor permit application is \$2,000. The fee for a substantial modification to the permit or permit renewal application is \$500. No permit fee is required for minor modifications. Applications for renewal of permits shall be submitted to the Department at least 60 days prior to the expiration date of the existing permit in accordance with Rule 62-4.090, F.A.C.

SPECIFIC CONDITIONS: (Continued)

13. The closure plan:

- (a) The Permittee shall maintain an adequate written closure plan and it must demonstrate how the Facility will be closed to meet the following requirements:
 - (1) There will be no need for further facility maintenance;
 - (2) Used oil will not contaminate surface or ground water;
 - (3) All tanks, piping, secondary containment and ancillary equipment will be emptied, cleaned and decontaminated, and all materials removed and managed; and
 - (4) Aboveground tanks. Aboveground storage and process tanks and all integral piping will be closed pursuant to Rule 62-762, F.A.C. and 40 CFR 279.54(h). Permittees who store or process used oil in aboveground tanks must comply with the following requirements:
 - (i) At closure of a tank system, the Permittee must remove or decontaminate used oil residues in tanks, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them as hazardous waste, unless the materials are not hazardous waste as defined in 40 CFR 261 or determined, pursuant to 40 CFR 262.11.
 - (ii) If the Permittee demonstrates that not all contaminated soils can be practicably removed or decontaminated as required, then the Permittee must close the tank system and perform post-closure care in accordance with the closure and post-closure care requirements that apply to hazardous waste landfills as defined in 40 CFR 265.310.
 - (5) Containers. Pursuant to closure requirements of 40 CFR 279.54(h), Permittees who store used oil in containers must comply with the following requirements:
 - (i) At closure, containers holding used oils or residues of used oil must be removed from the site;
 - (ii) The Permittee must remove or decontaminate used oil residues, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them as hazardous waste, unless the materials are not hazardous waste as defined in 40 CFR 261 or determined, pursuant to 40 CFR 262.11.
- (b) The closure plan shall be updated whenever significant operational changes occur or design changes are made.
- (c) The closure plan shall be maintained with records required under Rule 62-710.510, F.A.C.
- (d) The Permittee shall submit an updated and detailed closure plan to the Department at least 60 days prior to the scheduled date of closing the Facility.
- (e) Within 30 days after closing the Facility, the Permittee shall submit a certification of closure completion to the Department which demonstrates that the Facility was closed in substantial compliance with the detailed closure plan.

SPECIFIC CONDITIONS: (Continued)

14. The Permittee must comply with General Facility Standards pursuant to 40 CFR 279.52 and Rule 62-710.800(1) as follows:

(a) Preparedness and prevention. The Permittee must comply with the following requirements:

- (1) Maintenance and operation of Facility. The Facility must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water which could threaten human health or the environment.
- (2) Required equipment. The Facility must be equipped with the following:
 - (i) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to Facility personnel;
 - (ii) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams;
 - (iii) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment and decontamination equipment; and
 - (iv) Water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems.
- (3) Testing and maintenance of equipment. All Facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.
- (4) Access to communications or alarm system.
 - (i) Whenever used oil is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee.
 - (ii) If there is ever just one employee on the premises while the Facility is operating, the employee must have immediate access to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance.
- (5) Required aisle space. The Permittee must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of Facility operation in an emergency.
- (6) Arrangements with local authorities.
 - (i) The Permittee must maintain the following arrangements:
 - (A) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the Facility, properties of used oil handled at the Facility and associated hazards, places where Facility personnel would normally be working, entrances to roads inside the Facility, and possible evacuation routes;

SPECIFIC CONDITIONS: (Continued)

- (B) Where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority;
 - (C) Agreements with State emergency response teams, emergency response contractors, and equipment suppliers; and
 - (D) Arrangements to familiarize local hospitals with the properties of used oil handled at the Facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the Facility.
 - (ii) Where State or local authorities decline to enter into such arrangements, the Permittee must document the refusal in the operating record.
- (b) Contingency plan and emergency procedures. The Permittee must comply with the following requirements:
- (1) Purpose and implementation of contingency plan.
 - (i) The Permittee must have a contingency plan for the Facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water.
 - (ii) The provisions of the plan must be carried out immediately whenever there is a fire, explosion, or release of used oil which could threaten human health or the environment.
 - (2) Content of contingency plan.
 - (i) The contingency plan must describe the actions Facility personnel must take to comply with paragraphs (b) (1) and (6) of this section in response to fires, explosions, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water at the Facility.
 - (ii) The Permittee may amend a Spill Prevention, Control, and Countermeasures (SPCC) Plan to comply with the requirements of this part.
 - (iii) The plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services, pursuant to paragraph (a) (6) of this section.
 - (iv) The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see paragraph (b) (5) of this section), and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates.
 - (v) The plan must include a list of all emergency equipment at the Facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.

SPECIFIC CONDITIONS: (Continued)

- (vi) The plan must include an evacuation plan for Facility personnel where there is a possibility that evacuation could be necessary. This plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of used oil or fires).
- (3) Copies of contingency plan. A copy of the contingency plan and all revisions to the plan must be:
 - (i) Maintained at the Facility; and
 - (ii) Submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.
- (4) Amendment of contingency plan. The contingency plan must be reviewed, and immediately amended, if necessary, whenever:
 - (i) Applicable regulations are revised;
 - (ii) The plan fails in an emergency;
 - (iii) The Facility changes in its design, construction, operation, maintenance, or other circumstances in a way that materially increases the potential for fires, explosions, or releases of used oil, or changes the response necessary in an emergency;
 - (iv) The list of emergency coordinators changes; or
 - (v) The list of emergency equipment changes.
- (5) Emergency coordinator. At all times, there must be at least one employee either on the Facility premises or on call (i.e., available to respond to an emergency by reaching the Facility within a short period of time) with the responsibility for coordinating all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the Facility's contingency plan, all operations and activities at the Facility, the location and characteristic of used oil handled, the location of all records within the Facility, and Facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.
- (6) Emergency procedures.
 - (i) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or the designee when the emergency coordinator is on call) must immediately:
 - (A) Activate internal Facility alarms or communication systems, where applicable, to notify all Facility personnel; and
 - (B) Notify appropriate State or local agencies with designated response roles if their help is needed.
 - (ii) Whenever there is a release, fire, or explosion, the emergency coordinator must immediately identify the character, exact source, amount, and a real extent of any released materials. He may do this by observation or review of Facility records of manifests and, if necessary, by chemical analyses.
 - (iii) Concurrently, the emergency coordinator must assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-offs from water of chemical agents used to control fire and heat-induced explosions).

SPECIFIC CONDITIONS: (Continued)

- (iv) If the emergency coordinator determines that the Facility has had a release, fire, or explosion which could threaten human health, or the environment, outside the Facility, he must report his findings as follows:
 - (A) If his assessment indicated that evacuation of local areas may be advisable, he must immediately notify appropriate local authorities. He must be available to help appropriate officials decide whether local areas should be evacuated; and
 - (B) He must immediately notify the Department's State Warning Point at 850/413-9911 and the National Response Center (using their 24-hour toll free number 800/424-8802). The report must include:
 - (1) Name and telephone number of reporter;
 - (2) Name and address of Facility;
 - (3) Time and type of incident (e.g., release, fire);
 - (4) Name and quantity of material(s) involved, to the extent known;
 - (5) The extent of injuries, if any; and
 - (6) The possible hazards to human health, or the environment, outside the Facility.
- (v) During an emergency, the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other used oil or hazardous waste at the Facility. These measures must include, where applicable, stopping processes and operation, collecting and containing released used oil, and removing or isolating containers.
- (vi) If the Facility stops operation in response to a fire, explosion, or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.
- (vii) Immediately after an emergency, the emergency coordinator must provide for recycling, storing, or disposing of recovered used oil, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the Facility.
- (viii) The emergency coordinator must ensure that, in the affected area(s) of the Facility:
 - (A) No waste or used oil that may be incompatible with the released material is recycled, treated, stored, or disposed of until cleanup procedures are completed; and
 - (B) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.
 - (C) The Permittee must notify the Department that the Facility is in compliance with paragraphs (b) (6) (viii) (A) and (B) of this section before operations are resumed in the affected area(s) of the Facility.

SPECIFIC CONDITIONS: (Continued)

- (ix) The Permittee must note in the operating record the time, date and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, he must submit a written report on the incident to the Department. The report must include:
 - (A) Name, address, and telephone number of the Permittee;
 - (B) Name, address, and telephone number of the Facility;
 - (C) Date, time, and type of incident (e.g., fire, explosion);
 - (D) Name and quantity of material(s) involved;
 - (E) The extent of injuries, if any;
 - (F) An assessment of actual or potential hazards to human health or the environment, where this is applicable;
 - (G) Estimated quantity and disposition of recovered material that resulted from the incident.
- 15. The Permittee must comply with the following requirements, pursuant to 40 CFR 279.53, regarding the rebuttable presumption for used oil.
 - (a) To ensure that used oil managed by the Permittee is not hazardous waste under the rebuttable presumption of 40 CFR 279.10(b)(1)(ii), the Permittee must determine whether the total halogen content of used oil managed at the Facility is above or below 1,000 ppm.
 - (b) The Permittee must make this determination by:
 - (1) Testing the used oil; or
 - (2) Applying knowledge of the halogen content of the used oil in light of the materials or processes used.
 - (c) If the used oil contains greater than or equal to 1,000 ppm total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in 40 CFR 261, Subpart D. The Permittee may rebut the presumption by demonstrating that the used oil does not contain hazardous waste or show it to be exempt as allowed in 40 CFR 279.53(c)(1,2).
- 16. The Permittee must comply with the used oil management standards, pursuant to 40 CFR 279.54, and all applicable Spill Prevention, Control and Countermeasures, pursuant to 40 CFR 112, in addition to the following.
 - (a) Management units. The Permittee may not store used oil in units other than tanks, containers, or units subject to regulation under 40 CFR 264 or 265.
 - (b) Condition of units. Containers and aboveground tanks used to store or process used oil at the Facility must be:
 - (1) In good condition (no severe rusting, apparent structural defects or deterioration); and
 - (2) Not leaking (no visible leaks).
 - (c) Secondary containment for containers and aboveground tanks. Containers and aboveground tanks used to store or process used oil at the Facility must be equipped with a secondary containment system.
 - (1) The secondary containment system must consist of, at a minimum:
 - (i) Dikes, berms or retaining walls; and
 - (ii) A floor. The floor must cover the entire area within the dike, berm, or retaining wall; or
 - (iii) An equivalent secondary containment system.

SPECIFIC CONDITIONS: (Continued)

- (2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.
 - (d) Labels. Containers and aboveground tanks used to store or process used oil at the Facility must be labeled or marked clearly with the words "Used Oil."
 - (e) Response to releases. Upon detection of a release of used oil to the environment the Facility must perform the following cleanup steps:
 - (1) Stop the release;
 - (2) Contain the released used oil;
 - (3) Clean up and manage properly the released used oil and other materials; and
 - (4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.
17. Pursuant to 40 CFR 279.55, the Permittee must maintain a written analysis plan and follow the procedures it contains to comply with the analysis requirements of 40 CFR 279.53 and, if applicable, 40 CFR 279.72. The Permittee must keep the plan at the Facility.
- (a) Rebuttable presumption for used oil in 40 CFR 279.53. At a minimum, the plan must specify the following:
 - (1) Whether sample analyses or knowledge of the halogen content of the used oil will be used to make this determination.
 - (2) If sample analyses are used to make this determination:
 - (i) The sampling method used to obtain representative samples to be analyzed.
 - (ii) The frequency of sampling to be performed, and whether the analysis will be performed on-site or off-site; and
 - (iii) The methods used to analyze used oil for the parameters specified in 40 CFR 279.53; and
 - (3) The type of information that will be used to determine the halogen content of the used oil.
 - (b) On-specification used oil fuel in 40 CFR 279.72. At a minimum, the plan must specify the following if 40 CFR 279.72 is applicable:
 - (1) Whether sample analyses or other information will be used to make this determination;
 - (2) If sample analyses are used to make this determination:
 - (i) The sampling method used to obtain representative samples to be analyzed. A representative sample may be obtained using either:
 - (A) One of the sampling methods in 40 CFR 261, Appendix I; or
 - (B) A method shown to be equivalent under 40 CFR 260.20 and 260.21;
 - (ii) Whether used oil will be sampled and analyzed prior to or after any processing;
 - (iii) The frequency of sampling to be performed, and whether the analysis will be performed on-site or off-site; and
 - (iv) The methods used to analyze used oil for the parameters specified in 40 CFR 279.72 and 40 CFR 279.11; and
 - (3) The type of information that will be used to make the on-specification used oil fuel determination.
18. Pursuant to 40 CFR 279.58, the Permittee may only initiate shipments of used oil off-site using a used oil transporter who has obtained an EPA identification number.

*Perma-Fix of Ft. Lauderdale, Inc.
3701 SW 47th Avenue, Suite 109
Davie, FL 33314
Page 15 of 15

Permit/Cert Number: H006-307932
Project: Used Oil Processing
Facility

SPECIFIC CONDITIONS: (Continued)

19. Pursuant to 40 CFR 279.59, the Permittee must manage the residues generated from the storage and processing of used oil as specified in 40 CFR 279.10(e).

Issued this _____ day of _____, 1997

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Carlos Rivero-deAguilar
Director of District Management
Southeast District

RCRA/VK/JJ/vp



Department of Environmental Protection

Lawton Chiles
Governor

DEC 7 - 1998

Southeast District
P.O. Box 15425
West Palm Beach, Florida 33416

Virginia B. Wetherell
Secretary

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Perma-Fix of Ft. Lauderdale, Inc.
3701 SW 47th Avenue, Suite 109
Davie, FL 33314
Attn: Mr. Christopher L. Blanton
General Manager

DEP File No. HO06-307932
Broward County

RE: Used Oil Processor Permit Number HO06-307932, Solid Waste Management Issues and Permit Requirements; Application, Instruction, and Rule Citations.

Dear Mr. Blanton:

This letter serves as a follow up to previous correspondence concerning certain waste management issues that exist at your Used Oil Processing Facility. Based on the information provided, it appears that solid waste management processes not covered under the Used Oil Processing Permit are occurring at your Facility. You are required to submit a permit modification to include applicable solid waste management operations. Solid wastes which do not meet the definition of "used oil," that are processed onsite must be managed in accordance with the requirements of Chapter 62-701, F.A.C. entitled "Solid Waste Management Facilities." Pursuant to Rule 62-701.300(a) "No person shall ... process ... solid waste except at a permitted solid waste management facility ..." Attached is an application form to be used for this permit modification.

Please prepare the required permit modification as detailed below and in the attached application. In order for the application to be considered complete the application must be filled out completely and must also include:

1. \$500.00 check pursuant to Rule 62-710.800(7)
2. Pursuant to Rules 62-701.320(5)(a,b) "Applications for a solid waste management facility shall be submitted on appropriate Department forms listed in Rule 62-701.900, F.A.C., to the Department district office with jurisdiction where the facility is located. A minimum of six copies each of the application, engineering plans and reports, and all supporting information for the proposed construction, substantial modification, operation or closure of a facility shall be provided to the Department." and (b) "Information in every application shall be of sufficient detail to show how the facility will be constructed, operated, and closed, and how it will be monitored and maintained after closure, in order to comply with the requirements of this chapter."
3. Applications to modify a permit for a used oil permit to include solid waste management activities shall also include the following:
 - (a) A letter of application transmittal;
 - (b) A completed application form dated and signed by the applicant;
 - (c) An engineering report addressing the requirements of this rule which shall:
 1. Contain a cover sheet stating the project title, location, applicant's name, and the engineer's name, address, signature, date of signature and seal;
 2. Have the text printed on 8 1/2 inch by 11 inch consecutively numbered pages;
 3. Contain a table of contents or index describing the body of the report and the appendices; and
 4. Include the body of the report and all appendices.

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

Printed on recycled paper.


- (d) Plans or drawings for all solid waste management facilities shall:
1. Use sheets 22 inches by 34 inches or 24 inches by 36 inches, and include title blocks;
 2. Have a cover sheet that includes the project title, applicant's name, sheet index, legend of symbols, and the engineer's name, address, signature, date of signature and seal;
 3. Include a regional map or plan showing the project location;
 4. Include a current vicinity map, or aerial photograph taken within one year preceding the application;
 5. Have a site plan containing the location of all property boundaries certified by a registered Florida land surveyor; and
 6. Clearly show all necessary details and be numbered, titled, and referenced to the narrative report. Drawings shall contain a north arrow and horizontal and vertical scales, and shall specify drafting or origination dates. All elevations shall be referenced to National Geodetic Vertical Datum.

Note: If any of the information requested is already a part of the used oil application, it is satisfactory to reference its location and not submit duplicate data.

After approval of the closure cost estimate, DEP staff will forward the approved estimate to DEP's financial liaison in HW/TLH. There are 7 different financial mechanisms available. The applicant is required to provide proof of financial assurance as part of the permitting process. Forms for these mechanisms are attached.

Please submit the required application within 30 days. If you have any questions, please contact Vincent Peluso of this office, telephone number (561) 681-6673.

Sincerely,



John M. Jones, P.E.
Hazardous Waste Section Supervisor
Southeast District

JJ/vp

Copies furnished to:

~~File, Waste Management~~
Lorraine Verano, Broward County DNRP
Rick Neves, FDEP-Tallahassee
Lee Hoefert, FDEP-SED



Florida Department of Environmental Protection
Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, FL 32399-2400

DEP Form # 62-701.900(6)
Form Title <u>Application to Construct, Operate or Modify</u>
<u>Construction and Demolition Debris Disposal or</u>
<u>Recycling Facility</u>
Effective Date <u>4-23-97</u>
DEP Application No. _____
(Filed by DEP)

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

APPLICATION FOR PERMIT TO CONSTRUCT, OPERATE OR MODIFY
A CONSTRUCTION AND DEMOLITION DEBRIS DISPOSAL OR RECYCLING FACILITY

GENERAL REQUIREMENT: Solid Waste Management Facilities shall be permitted pursuant to Section 403.707, Florida Statutes, (FS) and in accordance with Florida Administrative Code (FAC) Chapter 62-701. A minimum of six copies of the application shall be submitted to the Department District Office having jurisdiction over the facility. The appropriate fee in accordance with Rule 62-701.730(20), FAC, shall be submitted with the application by check made payable to the Department of Environmental Protection (DEP). Complete appropriate sections for the type of facility for which application is made and include all additional information, drawings, and reports necessary to evaluate the facility.

Please Type or Print in Ink

A. GENERAL INFORMATION

1. Type of facility (check all that apply):

C&D Disposal ☐

C&D Recycling ☐

2. Type of application:

Construction ☐
Operation ☐

Construction/Operation ☐
Long-term Care ☐

3. Classification of application:

New ☐
Renewal ☐

Substantial Modification ☐
Minor Modification ☐

4. Facility name: _____

5. DEP ID number: _____ County: _____

6. Facility location (main entrance): _____

7. Location coordinates:

Section: _____ Township: _____ Range: _____

UTMs: Zone _____ km E _____ km N

Latitude: _____ ° _____ ' _____ " Longitude: _____ ° _____ ' _____ "

8. Applicant name (operating authority): _____

Mailing address: _____
Street or P.O. Box City State Zip

Contact person: _____ Telephone: (____) _____

Title: _____

9. Authorized agent/Consultant: _____
Mailing address: _____
 Street or P.O. Box City State Zip
Contact person: _____ Telephone: (____) _____
Title: _____
10. Landowner(if different than applicant): _____
Mailing address: _____
 Street or P.O. Box City State Zip
Contact person: _____ Telephone: (____) _____
11. Cities, towns and areas to be served: _____

12. Volume of C&D debris waste to be received: _____ yds³/day tons/day
13. Date site will be ready to be inspected for completion: _____
14. Estimated costs:
Total Construction: \$ _____ Closing Costs: \$ _____
15. Anticipated construction starting and completion dates:
From: _____ To: _____

B. ADDITIONAL INFORMATION

Please attach the following reports or documentation as required (check all that apply):

<u>C&D</u> <u>Disposal</u>	<u>C&D</u> <u>Recycling</u>	<u>Description</u>
		Attachment A: Engineering Report
<u> </u>	<u> </u>	A1: Site Plan
<u> </u>	<u> </u>	A2: Geotechnical Investigation
<u> </u>	<u> </u>	A3: Hydrogeological Investigation
<u> </u>	<u> </u>	A4: Design/Planned Active Life
		Attachment B: Operation Plan
<u> </u>	<u> </u>	B1: Description of Operations
<u> </u>	<u> </u>	B2: Compaction and Grading Schedule
<u> </u>	<u> </u>	B3: Training Plan
<u> </u>	<u> </u>	Attachment C: Ground Water Monitoring Plan and/or Leachate Control Plan
<u> </u>	<u> </u>	Attachment D: Boundary Survey, Legal Description, Topographic Survey
<u> </u>	<u> </u>	Attachment E: Proof of Ownership or Authorization to Use Property
<u> </u>	<u> </u>	Attachment F: Contingency Plan
		Attachment G: Closure Plan
<u> </u>	<u> </u>	G1: Final Cover Design and Construction Procedures
<u> </u>	<u> </u>	G2: Long-Term Care Provisions
		Attachment H: Financial Assurance
<u> </u>	<u> </u>	H1: Closure Cost Estimate
<u> </u>	<u> </u>	H2: Financial Assurance Instrument
<u> </u>	<u> </u>	H3: Long-Term Care Documentation

C. CERTIFICATION BY APPLICANT AND ENGINEER OR PUBLIC OFFICER

A. Applicant

The undersigned applicant or authorized representative of _____ is aware that statements made in this form and attached information are an application for a _____ Permit from the Florida Department of Environmental Regulation and certifies that the information in this application is true, correct and complete to the best of his knowledge and belief. Further, the undersigned agrees to comply with the provisions of Chapter 403, Florida Statutes, and all rules and regulations of the Department. It is understood that the Permit is not transferable, and the Department will be notified prior to the sale or legal transfer of the permitted facility.

Signature of Applicant or Agent

Name and Title

Date: _____

Attach letter of authorization if agent is not a governmental official, owner, or corporate officer.

B. Professional Engineer Registered in Florida or Public Officer as required in Section 403.707 and 403.707(5), Florida Statutes.

This is to certify that the engineering features of this solid waste management facility have been designed/examined by me and found to conform to engineering principals applicable to such facilities. In my professional judgement, this facility, when properly maintained and operated, will comply with all applicable statutes of the State of Florida and rules of the Department. It is agreed that the undersigned will provide the applicant with a set of instructions of proper maintenance and operation of the facility.

Signature

Mailing Address

Name and Title (please type)

City, State, Zip Code

Florida Registration Number
(please affix seal)

(_____) _____
Telephone Number

Date: _____

STATE OF FLORIDA
SOLID WASTE MANAGEMENT FACILITY IRREVOCABLE LETTER OF CREDIT
TO DEMONSTRATE FINANCIAL ASSURANCE

FOR

☐ Closing ☐ Long-Term Care ☐ Corrective Action

[Check Appropriate Box(es)]

Virginia B. Wetherell, Secretary
Florida Department of Environmental Protection
Twin Towers Office Building
2600 Blair Stone Road MS 4565
Tallahassee, Florida 32399-2400

Name of Issuing Institution

Address of Issuing Institution

Dear Sir or Madam:

We hereby establish our Irrevocable Standby Letter of Credit No. _____
in your favor, at the request and for the account of _____

Owner's or Operator's Name and Address

up to the aggregate amount of _____

U.S. dollars \$ _____, available upon presentation of _____

In Words

(1) your sight draft, bearing reference to this letter of credit No. _____, and

(2) your signed statement reading as follows: "I certify that the amount of the draft is payable pursuant to the requirements of Rule 62-701.630 or 62-711.510, F.A.C."

This letter of credit is effective as of _____ and shall expire on _____

Date

_____, but such expiration date shall be automatically extended

Date at Least One Year Later

for a period of _____ on _____

At Least One Year

Date

and on each successive expiration date, unless, at least 120 days before the current expiration date, we notify both you and _____ by certified mail that we have

Owner's or Operator's Name

decided not to extend this letter of credit beyond the current expiration date. In the event you are so notified, any unused portion of the credit shall be available upon presentation of your sight draft for 120 days after the date of receipt by both you and _____ as shown on the signed return receipts.

Owner's or Operator's Name

Whenever this letter of credit is drawn on under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall deposit the amount of the draft directly into the standby trust fund of _____, in accordance with your instructions.

Owner's or Operator's Name

Signature(s), Title(s) of Official(s) of Issuing Institution

Date

This credit is subject to

Insert "the most recent edition of the Uniform Customs and Practice for Documentary Credits, published and copyrighted by the International Chamber of Commerce," or "the Uniform Commercial Code."

STATE OF FLORIDA
SOLID WASTE MANAGEMENT FACILITY FINANCIAL GUARANTEE BOND
TO DEMONSTRATE FINANCIAL ASSURANCE
FOR

☐ Closing ☐ Long-Term Care ☐ Corrective Action
[Check Appropriate Box(es)]

The term "Required Action" as used in this document means closing, long-term care, or corrective action, or any combination of these, which is checked above.

Date bond executed: _____

Effective date: _____

Principal: _____

Legal Name and Business Address of Owner or Operator

Type of Organization: ☐ Individual ☐ Joint Venture ☐ Partnership ☐ Corporation
Check One

State of Incorporation: _____

Surety(ies): _____

Name(s) and Business Address(es)

List for each facility: FDEP GMS Identification Number, name, and address. Indicate "Required Action" amounts for each facility separately.

<u>FDEP GMS- I.D. No.</u>	<u>Name</u>	<u>Address</u>	<u>Required Action Amount</u>
---------------------------	-------------	----------------	-------------------------------

Total penal sum of bond: _____

Surety's bond number: _____

Know All Persons By These Presents, That we, the Principal and Surety(ies) hereto are firmly bound to the Florida Department of Environmental Protection (hereinafter called FDEP), in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where the Sureties are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be full amount of the penal sum.

WHEREAS, said Principal is required, under the Florida Solid Waste Management Act as amended, to have a permit in order to construct, operate or close each solid waste management facility identified above, and

WHEREAS, said Principal is required to provide financial assurance for the "Required Action," as a condition of the permit(s), and

WHEREAS, said principal shall establish a standby trust fund as is required when a surety bond is used to provide such financial assurance;

NOW, THEREFORE, the conditions of the obligation are such that if the Principal shall faithfully, before the beginning of final closure of each facility identified above, fund the standby trust fund in the amount(s) identified above for the facility,

Or, if the Principal shall fund the standby trust fund in such amount(s) within 15 days after an order to begin closure is issued by the Secretary of the FDEP or a U.S. district court or other court of competent jurisdiction,

Or, if the Principal shall provide alternate financial assurance and obtain the FDEP Secretary's written approval of such assurance, within 90 days after the date of notice or cancellation is received by both the Principal and the FDEP Secretary from the Surety(ies), then this obligation shall be null and void, otherwise it is to remain in full force and effect.

The Surety(ies) shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above. Upon notification by FDEP Secretary that the Principal has failed to perform as guaranteed by this bond, the Surety(ies) shall place funds in the amount guaranteed for the facility(ies) into the standby trust fund as directed by the FDEP Secretary.

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety(ies) hereunder exceed the amount of said penal sum.

The Surety(ies) may cancel the bond by sending notice of cancellation by certified mail to the Principal and to the Secretary of the FDEP; however, cancellation shall not occur during the 120 days beginning on the date of receipt of the notice of cancellation by both the Principal and the FDEP Secretary, as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety(ies); provided, however, that no such notice shall become effective until the Surety(ies) receive(s) written authorization for termination of the bond by the Secretary of the FDEP.

Principal and Surety(ies) hereby agree to adjust the penal sum of the bond yearly so that it guarantees a new "Required Action" amount, provided that the penal sum does not increase by more than 20 percent in any one year, and no decrease in the penal sum takes place without the written permission of the FDEP Secretary.

IN WITNESS WHEREOF, the Principal and Surety(ies) have executed this Financial Guarantee Bond and have affixed their seals on the date set forth above.

...s whose signatures appear below hereby certify that they are authorized to execute this surety
of the Principal and Surety(ies).

PRINCIPAL

CORPORATE SURETY(IES)

For each co-surety provide the following

Name and Title

Name and address

State of Incorporation

Liability Limit \$

Signature

Type Name and Title

Corporate Seal

Corporate Seal

Bond premium: \$ _____

STATE OF FLORIDA
SOLID WASTE MANAGEMENT FACILITY PERFORMANCE BOND
TO DEMONSTRATE FINANCIAL ASSURANCE
FOR

☐ Closing ☐ Long-term Care ☐ Corrective Action
(Check Appropriate Box(es))

The term "Required Action" as used in this document means closing, long-term care, or corrective action, or any combination of these, which is checked above.

Date bond executed: _____

Effective date: _____

Principal: _____

Legal Name and Business Address of Owner or Operator

Type of Organization: ☐ Individual ☐ Joint Venture ☐ Partnership ☐ Corporation
Check One

State of Incorporation: _____

Surety(ies): _____

Name(s) and Business Address(es)

List for each facility: FDEP GMS Identification Number, name, and address. Indicate "Required Action" amounts for each facility separately.

FDEP GMS- I.D. No.	Name	Address	Required Action Amount
--------------------	------	---------	------------------------

Total penal sum of bond: _____

Surety's bond number: _____

Know All Persons By These Presents, That we, the Principal and Surety(ies) hereto are firmly bound to the Florida Department of Environmental Protection (hereinafter called FDEP), in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where the Sureties are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be full amount of the penal sum.

WHEREAS, said Principal is required, under the Florida Solid Waste Management Act as amended, to have a permit in order to construct, operate or close each solid waste management facility identified above, and

WHEREAS, said Principal is required to provide financial assurance for the "Required Action," as a condition of the permit(s), and

WHEREAS, said principal shall establish a standby trust fund as is required when a surety bond is used to provide such financial assurance;

NOW, THEREFORE, the conditions of the obligation are such that if the Principal shall faithfully perform closing, whenever required to do so, of each facility for which this bond guarantees closing, in accordance with the closing plan and other requirements of the permit, as such plan and permit may be amended, pursuant to all applicable laws, statutes, rules, and regulations, as such laws, statutes, rules, and regulations may be amended,

And, if the Principal shall faithfully perform long-term care of each facility for which this bond guarantees long-term care, in accordance with the long-term care plan and other requirements of the permit, as such plan and permit may be amended, pursuant to all applicable laws, statutes, rules, and regulations, as such laws, statutes, rules, and regulations may be amended,

And, if the Principal shall faithfully perform corrective action, whenever required to do so, of each facility for which this bond guarantees corrective action, in accordance with the corrective action plan and other requirements of the permit, as such plan and permit may be amended, pursuant to all applicable laws, statutes, rules, and regulations, as such laws, statutes, rules, and regulations may be amended,

Or, if the Principal shall provide alternate financial assurance and obtain the FDEP Secretary's written approval of such assurance, within 90 days after the date notice of cancellation is received by both the Principal and the FDEP Secretary from the Surety(ies), then this obligation shall be null and void, otherwise it is to remain in full force and effect.

The Surety(ies) shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above.

Upon notification by the FDEP Secretary that the Principal has been found in violation of the closing requirements for a facility for which this bond guarantees performance of closing, the Surety(ies) shall either perform closing in accordance with the closing plan and other permit requirements or place the closing amount guaranteed for the facility into the standby trust fund as directed by the FDEP Secretary.

Upon notification by the FDEP Secretary that the Principal has been found in violation of the long-term care requirements of a facility for which this bond guarantees performance of long-term care, the Surety(ies) shall either perform long-term care in accordance with the long-term care plan and other permit requirements or place the long-term care amount guaranteed for the facility into the standby trust fund as directed by the FDEP Secretary.

Upon notification by the FDEP Secretary that the Principal has been found in violation of the corrective action requirements for a facility for which this bond guarantees performance of corrective action, the Surety(ies) shall either perform corrective action in accordance with the corrective action plan and other permit requirements or place the corrective action amount guaranteed for the facility into the standby trust fund as directed by the FDEP Secretary.

Upon notification by the FDEP Secretary that the Principal has failed to provide alternate financial assurance and obtain written approval of such assurance from the FDEP Secretary during the 90 days following receipt by both the Principal and the FDEP Secretary of a notice of cancellation of the bond, the Surety(ies) shall place funds in the amount guaranteed for the facility(ies) into the standby trust fund as directed by the FDEP Secretary.

The Surety(ies) hereby waive(s) notification of amendments to closure plans, permits, applicable laws, statutes, rules, and regulations and agrees that no such amendment shall in any way alleviate its (their) obligation on this bond.

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety(ies) hereunder exceed the amount of said penal sum.

The Surety(ies) may cancel the bond by sending notice of cancellation by certified mail to the Principal and to the FDEP Secretary; provided, however, that cancellation shall not occur during the 120 days beginning on the date of receipt of the notice of cancellation by both the Principal and the FDEP Secretary, as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety(ies); provided, however, that no such notice shall become effective until the Surety(ies) receive(s) written authorization for termination of the bond by the FDEP Secretary.

Principal and Surety(ies) hereby agree to adjust the penal sum of the bond yearly so that it guarantees a new "Required Action" amount, provided that the penal sum does not increase by more than 20 percent in any one year, and no decrease in the penal sum takes place without the written permission of the FDEP Secretary.

IN WITNESS WHEREOF, the Principal and Surety(ies) have executed this Performance Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety(ies).

PRINCIPAL

CORPORATE SURETY(IES)

For each co-surety provide the following

Signature _____

Name and address _____

Type Name and Title _____

State of Incorporation _____

Liability Limit \$ _____

Signature _____

Type Name and Title _____

Corporate Seal _____

Corporate Seal _____

Bond premium: \$ _____

STATE OF FLORIDA
SOLID WASTE MANAGEMENT FACILITY INSURANCE CERTIFICATE
TO DEMONSTRATE FINANCIAL ASSURANCE
FOR

☐ Closing ☐ Long-Term Care ☐ Corrective Action
[Check Appropriate Box(es)]

The term "Required Action," as used in this document means closing, long-term care, or corrective action, or any combination of these, which is checked above.

Name of Insurer
(the "Insurer"), of _____
Address of Insurer

Name of Insured
(the "Insured"), of _____
Address of Insured

Facilities Covered: List for each facility: The FDEP GMS Identification Number, name, address, and the amount of insurance for "Required Action".
Indicate "Required Action" amounts separately (these amounts for all facilities covered must total the face amount shown below).

<u>FDEP GMS- I.D. No.</u>	<u>Name</u>	<u>Address</u>	<u>Required Action Amount</u>
---------------------------	-------------	----------------	-------------------------------

Face Amount: _____

Policy Number: _____

Effective Date: _____

The Insurer hereby certifies that it has issued to the Insured the policy of insurance identified above to provide financial assurance for _____ "Required Action" for the facilities

identified above. The insurer further warrants that such policy conforms in all respects with the requirements of 40 CFR 264.143(e) and/or 264.145(e), as adopted by reference in Rule 62-701.630 and 62-711.500, Florida Administrative Code, as applicable, for the above specified financial assurance.

Whenever requested by the Secretary of the Florida Department of Environmental Protection (FDEP), the Insurer agrees to furnish to the FDEP Secretary a duplicate original of the policy listed above, including all endorsements thereon.

Signature of Authorized Representative of Insurer

Type Name

Title

Authorized Representative of:

Name of Insurer

Address of Representative

Signature of Witness or Notary

Date

Seal

STATE OF FLORIDA
SOLID WASTE MANAGEMENT FACILITY LETTER FROM CHIEF FINANCIAL
OFFICER TO DEMONSTRATE FINANCIAL ASSURANCE
FOR

☐ Closing ☐ Long-Term Care ☐ Corrective Action
[Check Appropriate Box(es)]

Virginia B. Wetherell, Secretary
Florida Department of Environmental Protection
Twin Towers Office Building
2600 Blair Stone Road MS 4565
Tallahassee, Florida 32399-2400

The term "Required Action," as used in this document means closing, long-term care, or corrective action, or any combination of these, which is checked above.

I am the chief financial officer of _____

Name and Address of Firm

This letter is in support of this firm's use of the financial test to demonstrate financial assurance, as specified in Subpart H of 40 CFR Part 264, as adopted by reference in Rule 62-701.630, Florida Administrative Code (F.A.C.).

Fill out the following seven paragraphs regarding facilities and associated cost estimates. If your firm has no facilities that belong in a particular paragraph, write "NONE" in the space indicated. For each facility, include its FDEP GMS Identification Number, name, address, and current "Required Action" cost estimates. Identify each cost estimate as to whether it is for "Required Action".

1. This firm is the owner or operator of the following solid waste management facilities in the State of Florida for which financial assurance for the "Required Action" is demonstrated through the financial test specified in Subpart H of 40 CFR Part 264, as adopted by reference in Rule 62-701.630, F.A.C. The current "Required Action" cost estimates covered by the test are shown for each facility:

2. This firm guarantees, through the corporate guarantee specified in Subpart H of 40 CFR Part 264, as adopted by reference in Rule 62-701.630, F.A.C., the "Required Action" of the following solid waste management facilities in the State of Florida owned or operated by subsidiaries of this firm. The current cost estimates for the "Required Action" so guaranteed are shown for each facility:

3. In states other than Florida, this firm, as owner or operator or guarantor is demonstrating financial assurance for the "Required Action" of the following solid waste management facilities through the use of a test equivalent or substantially equivalent to the financial test specified in Subpart H of 40 CFR Part 264, as adopted by reference in Rule 62-701.630, F.A.C. The current "Required Action" cost estimates covered by such test are shown for each facility:

4. This firm is the owner or operator of the following solid waste management facilities for which financial assurance for the "Required Action" is not demonstrated to the federal government or other state government through the financial test or any other financial assurance mechanism specified in Rule 62-701.630, F.A.C., or equivalent or substantially equivalent federal or state mechanisms. The current "Required Action" cost estimates not covered by such financial assurance are shown for each facility:

5. This firm is the owner or operator of the following UIC facilities for which financial assurance for plugging and abandonment is required under 40 CFR Part 144 and/or Rule 62-28.270(9), F.A.C. The current plugging and abandonment cost estimates as required by 40 CFR 144.62 and/or Rule 62-28.270(9), F.A.C., are shown for each facility:

6. This firm is the owner or operator of the following hazardous waste facilities for which financial assurance for closure, post-closure care, corrective action and/or liability coverage is required under 40 CFR Parts 264 and 265, Subpart H and/or Rule 62-730.180, F.A.C. The current closure, post-closure care, corrective action cost estimates and/or liability coverage as required by 40 CFR Parts 264 and 265, Subpart H and/or Rule 62-730.180, F.A.C., are shown for each facility:

7. This firm is the owner or operator of the following underground storage tank (UST) facility(ies) for which financial responsibility for liability coverage and corrective action is required under 40 CFR Parts 280 and 281 and/or Rule 62-761.450(3), F.A.C. The amount of annual aggregate coverage for liability coverage and corrective action being assured by a financial test are shown for each facility:

This firm _____ to file a Form 10K with the Securities and Exchange Commission (SEC) for the latest fiscal year.
"is required" or "is not required"

The fiscal year of this firm ends on _____
Month, Day

The figures for the following items marked with an asterisk (*) are derived from this firm's independently audited, year-end financial statements and footnotes for the latest completed fiscal year, ended _____

Date

"Required Action"

Fill in Alternative I if the criteria of paragraphs (f)(1)(i) of 40 CFR §264.143 or §264.145, as adopted by reference in Rule 62-701.630, F.A.C., are used.
Fill in Alternative II if the criteria of paragraphs (f)(1)(ii) of 40 CFR §264.143 or §264.145, as adopted by reference in Rule 62-701.630, F.A.C., are used.

ALTERNATIVE I

1. Sum of current "Required Action" cost estimates

(Total of all cost estimates listed in 1-7 above)

\$ _____

***2. Total liabilities.**

(If any portion of the "Required Action" cost estimates is included in your total liabilities, you may deduct that portion from this line and add that amount to lines 3 and 4)

\$ _____

***3. Tangible net worth.**

\$ _____

***4. Net worth.**

\$ _____

***5. Current assets.**

\$ _____

***6. Current liabilities.**

\$ _____

***7. Net working capital.**

(Line 5 minus line 6)

\$ _____

***8. The sum of net income plus depreciation, depletion, and amortization.**

\$ _____

***9. Total assets in U.S.**

(Required only if less than 90% of assets are located in the U.S.)

\$ _____

YES NO

10. Is line 3 at least \$10 million?

11. Is line 3 at least 6 times line 1?

12. Is line 7 at least 6 times line 1?

*13. Are at least 90% of assets located in the U.S.? If not, complete line 14.

14. Is line 9 at least 6 times line 1?

15. Is line 2 divided by line 4 less than 2.0?

16. Is line 8 divided by line 2 greater than 0.1?

17. Is line 5 divided by line 6 greater than 1.5?

ALTERNATIVE II

1. Sum of current "Required Action" cost estimates
(Total of all cost estimates listed in 1-7 above)

\$ _____

2. Current bond rating of most recent issuance of this firm and name of rating service.

3. Date of issuance of bond.

4. Date of maturity of bond.

*5. Tangible net worth.
(If any portion of the "Required Action" cost estimates is included in "total liabilities" on your financial statements, you may add that portion to this line)

\$ _____

*6. Total assets in the U.S.
(Required only if less than 90% of assets are located in the U.S.)

\$ _____

YES NO

7. Is line 5 at least \$10 million?

8. Is line 5 at least 6 times line 1?

*9. Are at least 90% of assets located in the U.S.? If not, complete line 10.

10. Is line 6 at least 6 times line 1?

Signature _____

Date _____

Type Name and Title _____

STATE OF FLORIDA
SOLID WASTE MANAGEMENT FACILITY CORPORATE GUARANTEE
TO DEMONSTRATE FINANCIAL ASSURANCE
FOR

☐ Closing ☐ Long-Term Care ☐ Corrective Action
[Check Appropriate Box(es)]

The term "Required Action," as used in this document means closing, long-term care, or corrective action, or any combination of these, which is checked above.

Guarantee made this _____ by _____
Date Name of Guaranteeing Entity
a business corporation organized under the laws of the state of _____, herein
referred to as guarantor, to the Florida Department of Environmental Protection (FDEP), obligee, on behalf
of our subsidiary _____
Owner or Operator

Business Address _____

Recitals

1. Guarantor meets or exceeds the financial test criteria and agrees to comply with the reporting requirements for guarantors as specified in 40 CFR Parts 264.143(f) and/or 264.145(f), as adopted by reference in Rule 62-701.630, Florida Administrative Code (F.A.C.).

2. _____ owns or operates the following solid waste
Owner or Operator
management facility(ies) covered by this guarantee:

<u>FDEP GMS- I.D. No.</u>	<u>Name</u>	<u>Address</u>	<u>Required Action Amount</u>
---------------------------	-------------	----------------	-------------------------------

Indicate the "Required Action" for each Facility

3. "Closure plans" as used below refer to the plan maintained as required by Rule 62-701.630 F.A.C., for the "Required Action" of facilities as identified above.

4. For value received from _____, guarantor guarantees to the FDEP
Owner or Operator
that in the event that _____ fails to perform
Owner or Operator

_____ of the above facility(ies) in accordance with
Insert the "Required Action"
the "Required Action" plan and other permit requirements whenever required to do so, the guarantor shall do so or establish a trust fund as specified in Rule 62-701.630, F.A.C., in the name of _____ in the amount of the current "Required Action" cost
Owner or Operator
estimates as specified in Rule 62-701, F.A.C.

5. Guarantor agrees that if, at the end of any fiscal year before termination of this guarantee, the guarantor fails to meet the financial test criteria, guarantor shall send within 90 days, by certified mail, notice to the Florida Department of Environmental Protection (FDEP) Secretary and to _____ that he intends to provide alternate financial assurance as
Owner or Operator
specified in Rule 62-701.630, F.A.C., as applicable, in the name of _____
Owner or Operator

Within 120 days after the end of such fiscal year, the guarantor shall establish such financial assurance unless _____ has done so.
Owner or Operator

6. The guarantor agrees to notify the FDEP Secretary by certified mail, of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming guarantor as debtor, within 10 days after commencement of the proceeding.
7. Guarantor agrees that within 30 days after being notified by the FDEP Secretary of a determination that guarantor no longer meets the financial test criteria or that he is disallowed from continuing as a guarantor of the "Required Action," he shall establish alternate financial assurance as specified in Rule 62-701.630, F.A.C., in the name of _____ unless _____ has done so. _____
Owner or Operator Owner or Operator
8. Guarantor agrees to remain bound under this guarantee notwithstanding any or all of the following: amendment or modification of the "Required Action" plan, amendment or modification of the permit, the extension or reduction of the time of performance of the "Required Action," or any other modification or alteration of an obligation of the owner or operator pursuant to Rule 62-701, F.A.C.
9. Guarantor agrees to remain bound under this guarantee for so long as _____
Owner or Operator
must comply with the applicable financial assurance requirements of Rule 62-701.630, F.A.C., for the above-listed facilities, except that guarantor may cancel this guarantee by sending notice by certified mail to the FDEP Secretary and to _____, such cancellation to
Owner or Operator
become effective no earlier than 120 days after receipt of such notice by both FDEP and _____, as evidenced by the return receipts.
Owner or Operator
10. Guarantor agrees that if _____ fails to provide alternate financial
Owner or Operator
assurance as specified in Rule 62-701.630, F.A.C., as applicable, and obtain written approval of such assurance from the FDEP Secretary within 90 days after a notice of cancellation by the guarantor is received by the FDEP Secretary from guarantor, guarantor shall provide such alternate financial assurance in the name of _____.
Owner or Operator
11. Guarantor expressly waives notice of acceptance of this guarantee by the FDEP or by _____.
Owner or Operator
Guarantor also expressly waives notice of amendments or modifications of the "Required Action" plan and of amendments or modifications of the facility permit(s).

Effective Date _____

Name of Guarantor _____

Authorized Signature for Guarantor _____

Name of Person Signing _____

Title of Person Signing _____

Signature of Witness or Notary: _____

Seal _____

STATE OF FLORIDA
SOLID WASTE MANAGEMENT FACILITY TRUST FUND AGREEMENT
TO DEMONSTRATE FINANCIAL ASSURANCE
FOR

☐ Closing ☐ Long-Term Care ☐ Corrective Action
[Check Appropriate Box(es)]

TRUST AGREEMENT, the "Agreement," entered into as of _____ Date
by and between _____
a _____ Name of the Owner or Operator
_____ Name of state _____, the "Grantor,"
Insert "corporation," "partnership," "association," or "proprietorship"
and _____
_____ Name and Address of Corporate Trustee
Insert "Incorporated in the state of _____" or "a national bank", the "Trustee."

WHEREAS, the Florida Department of Environmental Protection (FDEP), an agency of the state of Florida, has established certain regulations applicable to the Grantor, requiring that an owner or operator of a solid waste management facility shall provide assurance that funds will be available when needed for the "Required Action" of the facility,

WHEREAS, the Grantor has elected to establish a trust to provide all or part of such financial assurance for the facilities identified herein,

WHEREAS, the Grantor, acting through its duly authorized officers, has selected the Trustee to be the trustee under this agreement, and the Trustee is willing to act as trustee,

NOW, THEREFORE, the Grantor and the Trustee agree as follows:

Section 1. Definitions. As used in this Agreement:

- (a) The term "Grantor" means the owner or operator who enters into this Agreement and any successors or assigns of the Grantor.
- (b) The term "Trustee" means the Trustee who enters into this Agreement and any successor Trustee.
- (c) The term "FDEP" means the Florida Department of Environmental Protection, an Agency of the state of Florida or any successor thereof.
- (d) The term "Required Action," as used in this document means closing, long-term care, or corrective action, or any combination of these, which is checked above.

Section 2. Identification of Facilities and Cost Estimates. This Agreement pertains to the facilities and cost estimates identified on attached Schedule A.

On Schedule A, for each facility list the FDEP GMS Identification Number, name, address, and the current "Required Action" cost estimates, or portions thereof, for which financial assurance is demonstrated by this Agreement.

Section 3. Establishment of Fund. The Grantor and the Trustee hereby establish a trust fund (the Fund) for the benefit of the FDEP. The Grantor and the Trustee intend that no third party have access to the Fund except as herein provided. The Fund is established initially as consisting of the property, which is acceptable to the Trustee, described in Schedule B attached hereto. Such property and any other property subsequently transferred to the

Trustee is referred to as the Fund, together with all earnings and profits thereon, less any payments or distributions made by the Trustee pursuant to this Agreement. The Fund shall be held by the Trustee, IN TRUST, as hereinafter provided. The Trustee shall not be responsible nor shall it undertake any responsibility for the amount or adequacy of, nor any duty to collect from the Grantor, any payments necessary to discharge any liabilities of the Grantor established by the FDEP.

Section 4. Payment for Closure, Post-Closure Care, and Corrective Action. The Trustee shall make payments from the Fund as the FDEP Secretary shall direct, in writing, to provide for the payment of the costs of "Required Action" of the facilities covered by this Agreement. The Trustee shall reimburse the Grantor or other persons as specified by the FDEP Secretary from the Fund for "Required Action" expenditures, in such amounts as the FDEP Secretary shall direct in writing. In addition, the Trustee shall refund to the Grantor such amounts as the FDEP Secretary specifies in writing. Upon refund, such funds shall no longer constitute part of the Fund as defined herein.

Section 5. Payments Comprising the Fund. Payments made to the trustee for the Fund shall consist of cash or securities acceptable to the Trustee.

Section 6. Trustee Management. The Trustee shall invest and reinvest the principal and income of the Fund and keep the Fund invested as a single fund, without distinction between principal and income, in accordance with general investment policies and guidelines which the grantor may communicate in writing to the Trustee from time to time, subject, however, to the provisions of this Section. In investing, reinvesting, exchanging, selling, and managing the Fund, the Trustee shall discharge his duties with respect to the trust fund solely in the interest of the beneficiary and with the care, skill, prudence, and diligence under the circumstances then prevailing which persons of prudence, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of a like character and with like aims; except that:

- (a) Securities or other obligations of the Grantor, or any other owner or operator of the facilities, or any of their affiliates as defined in the Investment Company Act of 1940, as amended, 15 U.S.C. 80a-2.(a), shall not be acquired or held, unless they are securities or other obligations of the federal or a state government;
- (b) The Trustee is authorized to invest the Fund in time or demand deposits of the Trustee, to the extent insured by an agency of the federal or a state government; and
- (c) The Trustee is authorized to hold cash awaiting investment or distribution uninvested for a reasonable time and without liability for the payment of interest thereon.

Section 7. Commingling and Investment. The Trustee is expressly authorized in its discretion:

- (a) To transfer from time to time any or all of the assets of the Fund to any common, commingled, or collective trust fund created by the Trustee in which the Fund is eligible to participate, subject to all of the provisions thereof, to be commingled with the assets of other trusts participating therein; and
- (b) To purchase shares in any investment company registered under the Investment Company Act of 1940, 15 U.S.C. 80a-1 et seq., including one which may be created, managed, underwritten, or to which investment advice is rendered or the shares of which are sold by the Trustee. The Trustee may vote such shares in its discretion.

Section 8. Express Power of Trustee. Without in any way limiting the powers and discretions conferred upon the Trustee by the other provisions of this Agreement or by law, the Trustee is expressly authorized and empowered:

- (a) To sell, exchange, convey, transfer, or otherwise dispose of any property held by it, by public or private sale. No person dealing with the Trustee shall be bound to see to the application of the purchase money or to inquire into the validity or expediency of any such sale or other disposition;
- (b) To make, execute, acknowledge, and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted;

(c) To register any securities held in the Fund in its own name or in the name of a nominee and to hold any security in bearer form or in book entry, or to combine certificates representing such securities with certificates of the same issue held by the Trustee in other fiduciary capacities, or to deposit or arrange for the deposit of such securities in a qualified central depository even though, when so deposited, such securities may be merged and held in bulk in the name of the nominee of such depository with other securities deposited therein by another person, or to deposit or arrange for the deposit of any securities issued by the United States Government, or any agency or instrumentality thereof, with a Federal Reserve bank, but the books and records of the Trustee shall at all times show that all such securities are part of the Fund;

(d) To deposit any cash in the Fund in interest-bearing accounts maintained or savings certificates issued by the Trustee, in its separate corporate capacity, or in any other banking institution affiliated with the Trustee, to the extent insured by an agency of the federal or a state government; and

(e) To compromise or otherwise adjust all claims in favor of or against the Fund.

Section 9. Taxes and Expenses. All taxes of any kind that may be assessed or levied against or in respect of the Fund and all brokerage commissions incurred by the Fund shall be paid from the Fund. All other expenses incurred by the Trustee in connection with the administration of this Trust, including fees for legal services rendered to the Trustee, the compensation of the Trustee to the extent not paid directly by the Grantor, and all other proper charges and disbursements of the Trustee shall be paid from the Fund.

Section 10. Annual Valuation. The Trustee shall annually, at least 30 days prior to the anniversary date of establishment of the Fund, furnish to the Grantor and to the Secretary of the FDEP a statement confirming the value of the Trust. Any securities in the Fund shall be valued at market value as of no more than 60 days prior to the anniversary date of establishment of the fund. The failure of the Grantor to object in writing to the Trustee within 90 days after the statement has been furnished to the Grantor and the FDEP Secretary shall constitute a conclusively binding assent by the Grantor, barring the Grantor from asserting any claim or liability against the Trustee with respect to matters disclosed in the statement.

Section 11. Advice of Counsel. The Trustee may from time to time consult with counsel, who may be counsel to the Grantor, with respect to any question arising as to the construction of this Agreement or any action to be taken hereunder. The Trustee shall be fully protected, to the extent permitted by law, in acting upon the advice of counsel.

Section 12. Trustee Compensation. The Trustee shall be entitled to reasonable compensation for its services as agreed upon in writing from time to time with the Grantor.

Section 13. Successor Trustee. The Trustee may resign or the Grantor may replace the Trustee, but such resignation or replacement shall not be effective until the Grantor has appointed a successor Trustee and this successor accepts the appointment. The successor trustee shall have the same powers and duties as those conferred upon the Trustee hereunder. Upon the successor trustee's acceptance of the appointment, the Trustee shall assign, transfer, and pay over to the successor trustee the funds and properties then constituting the Fund. If for any reason the Grantor cannot or does not act in the event of the resignation of the Trustee, the Trustee may apply to a court of competent jurisdiction for the appointment of a successor trustee or for instructions. The successor trustee shall specify the date on which it assumes administration of the trust in a writing sent to the Grantor, FDEP Secretary, and the present Trustee by certified mail 10 days before such change becomes effective. Any expenses incurred by the Trustee as a result of any of the acts contemplated by this Section shall be paid as provided in Section 9.

Section 14. Instructions to the Trustee. All orders, requests, and instructions by the Grantor to the Trustee shall be in writing, signed by such persons as are designated in the attached Exhibit A or such other designees as the Grantor may designate by amendment to Exhibit A. The Trustee shall be fully protected in acting without inquiry in accordance with the Grantor's orders, requests, and instructions. All orders, requests, and instructions by the FDEP Secretary to the Trustee shall be in writing, signed by the FDEP Secretary, or the designee, and the Trustee shall act and shall be fully protected in acting in accordance with such orders, requests, and instructions. The Trustee shall have the right to assume, in the absence of written notice to the contrary, that no event

constituting a change or a termination of the authority of any person to act on behalf of the Grantor or the FDEP hereunder has occurred. The Trustee shall have no duty to act in the absence of such orders, requests, and instructions from the Grantor and/or the FDEP, except as provided for herein.

Section 15. Notice of Nonpayment. The Trustee shall notify the Grantor and the FDEP Secretary by certified mail within 10 days following the expiration of the 30-day period after the anniversary of the establishment of the Trust, if no payment is received from the Grantor during that period. After the pay-in period is completed, the Trustee shall not be required to send a notice of nonpayment.

Section 16. Amendment of Agreement. This Agreement may be amended by an instrument in writing executed by the Grantor, the Trustee, and the FDEP Secretary, or by the Trustee and the FDEP Secretary if the Grantor ceases to exist.

Section 17. Irrevocability and Termination. Subject to the right of the parties to amend this Agreement as provided in Section 16, this Trust shall be irrevocable and shall continue until terminated at the written agreement of the Grantor, the Trustee, and the FDEP Secretary, or by the Trustee and the FDEP Secretary, if the Grantor ceases to exist. Upon termination of the Trust, all remaining trust property, less final trust administration expenses, shall be delivered to the Grantor.

Section 18. Immunity and Indemnification. The Trustee shall not incur personal liability of any nature in connection with any act or omission, made in good faith, in the administration of this Trust, or in carrying out any directions by the Grantor or the FDEP Secretary issued in accordance with this Agreement. The Trustee shall be indemnified and saved harmless by the Grantor or from the Trust Fund, or both, from and against any personal liability to which the Trustee may be subjected by reason of any act or conduct in its official capacity, including a expenses reasonably incurred in its defense in the event the Grantor fails to provide such defense.

Section 19. Choice of Law. This Agreement shall be administered, construed, and enforced according to the laws of the state of Florida.

Section 20. Interpretation. As used in this Agreement, words in the singular include the plural and words in the plural include the singular. The descriptive headings for each Section of this Agreement shall not affect the interpretation or the legal efficacy of this Agreement.

IN WITNESS WHEREOF the parties have caused this Agreement to be executed by their respective officers duly authorized and their corporate seals to be hereunto affixed and attested as of the date first above written.

Signature of Grantor

Signature of Trustee

Title

Title

Signature of Witness or Notary

Signature of Witness or Notary

Seal

Seal

BELOW ARE EXAMPLES OF THE FORM REQUIRED ATTACHMENTS THAT MUST ACCOMPANY A TRUST FUND AGREEMENT. THEY ARE ONLY EXAMPLES OF FORMATS ACCEPTABLE TO THE DEPARTMENT. THEREFORE, VARIATIONS CONTAINING THE REQUIRED INFORMATION ARE ALSO ACCEPTABLE.

CERTIFICATION OF ACKNOWLEDGMENT FOR
SOLID WASTE MANAGEMENT FACILITY TRUST FUND AGREEMENT

State of _____

County of _____

The foregoing instrument was acknowledged before me this _____ day of _____, 19____, by

Name of person as _____
Type of authority, e.g., officer, trustee, etc.
for _____, the corporation described in and which
Name of party on behalf of whom instrument was executed
executed the above instrument.

Signature of Notary Public, State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known _____ or Produced Identification _____

Type of Identification Produced _____

SCHEDULE A

This Agreement demonstrates financial assurance for the following cost estimate(s) for the following facility(ies):

Indicate "Required Action" for each facility

GMS I.D. No.: _____
NAME: _____
ADDRESS: _____

COST ESTIMATES:

Closure \$ _____
Post-Closure \$ _____
Corrective Action \$ _____
Total \$ _____

SCHEDULE B

The Fund is established initially as consisting of the following property:

List the property used to establish the trust fund (e.g. [check # _____ in the amount of \$ _____].)

EXHIBIT A

All orders, requests, and instructions by the grantor to the Trustee shall be in writing and signed by one of the following persons:

Name _____

Title _____

Name _____

Title _____

Name _____

Title _____

STATE OF FLORIDA
SOLID WASTE MANAGEMENT FACILITY STANDBY TRUST FUND AGREEMENT
TO DEMONSTRATE FINANCIAL ASSURANCE

FOR

☐ Closing ☐ Long-Term Care ☐ Corrective Action

[Check Appropriate Box(es)]

TRUST AGREEMENT, the "Agreement," entered into as of _____ Date

by and between _____

Name of the Owner or Operator

a _____, the "Grantor,"
Name of state Insert "corporation," "partnership," "association," or "proprietorship"

and _____

Name and Address of Corporate Trustee

the "Trustee."

Insert "Incorporated in the state of _____" or "a national bank"

WHEREAS, the Florida Department of Environmental Protection (FDEP), an agency of the State of Florida, has established certain regulations applicable to the Grantor, requiring that an owner or operator of a solid waste management facility shall provide assurance that funds will be available when needed for the "Required Action" of the facility,

WHEREAS, the Grantor has elected to establish a trust to provide all or part of such financial assurance for the facilities identified herein,

WHEREAS, the Grantor, acting through its duly authorized officers, has selected the Trustee to be the trustee under this agreement, and the Trustee is willing to act as trustee,

NOW, THEREFORE, the Grantor and the Trustee agree as follows:

Section 1. Definitions. As used in this Agreement:

(a) The term "Grantor" means the owner or operator who enters into this Agreement and any successors or assigns of the Grantor.

(b) The term "Trustee" means the Trustee who enters into this Agreement and any successor Trustee.

(c) The term "FDEP" means the Florida Department of Environmental Protection, an Agency of the State of Florida or any successor thereof.

(d) The term "Required Action," as used in this document means closure, post-closure care, or corrective action, or any combination of these, which is checked above.

Section 2. Identification of Facilities and Cost Estimates. This Agreement pertains to the facilities and cost estimates identified on attached Schedule A.

On Schedule A, for each facility list the FDEP GMS Identification Number, name, address, and the current "Required Action" cost estimates, or portions thereof, for which financial assurance is demonstrated by this Agreement.

Section 3. Standby Trust. This Trust shall remain dormant until funded with the proceeds from the _____ as listed on Schedule B. The Trustee shall have no duties or responsibilities

"Insert "Letter of Credit" or "Surety Bond".

beyond safekeeping this Document. Upon funding this Trust shall become active and be administered pursuant to the terms of this instrument.

Section 4. Establishment of Fund. The Grantor and the Trustee hereby establish a trust fund (the Fund), for the benefit of the FDEP. The Grantor and the Trustee intend that no third party have access to the Fund except as herein provided. The Fund is established initially as consisting of the property, which is acceptable to the Trustee described in Schedule B attached hereto. Such property and any other property subsequently transferred to the Trustee is referred to as the Fund, together with all earnings and profits thereon, less any payments or distributions made by the Trustee pursuant to this Agreement. The Fund shall be held by the Trustee, IN TRUST, as hereinafter provided. The Trustee shall not be responsible nor shall it undertake any responsibility for the amount or adequacy of, nor any duty to collect from the Grantor, any payments necessary to discharge any liabilities of the Grantor established by the FDEP.

Section 5. Payment for Closure, Post-Closure Care, and Corrective Action. The Trustee shall make payments from the Fund as the FDEP Secretary shall direct, in writing, to provide for the payment of the costs of "Required Action" of the facilities covered by this Agreement. The Trustee shall reimburse the Grantor or other persons as specified by the FDEP Secretary from the Fund for "Required Action" expenditures in such amounts as the FDEP Secretary shall direct in writing. In addition, the Trustee shall refund to the Grantor such amounts as the FDEP Secretary specifies in writing. Upon refund, such funds shall no longer constitute part of the Fund as defined herein.

Section 6. Payments Comprising the Fund. Payments made to the Trustee for the Fund shall consist of cash or securities acceptable to the Trustee and shall consist solely of proceeds from the _____
"Insert 'Letter of Credit' or 'Surety Bond'".

Section 7. Trustee Management. The Trustee shall invest and reinvest the principal and income of the Fund and keep the Fund invested as a single fund, without distinction between principal and income, in accordance with general investment policies and guidelines which the grantor may communicate in writing to the Trustee from time to time, subject, however, to the provisions of this Section. In investing, reinvesting, exchanging, selling, and managing the Fund, the Trustee shall discharge his duties with respect to the trust fund solely in the interest of the beneficiary and with the care, skill, prudence, and diligence under the circumstances then prevailing which persons of prudence, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of a like character and with like aims; except that:

- (a) Securities or other obligations of the Grantor, or any other owner or operator of the facilities, or any of their affiliates as defined in the Investment Company Act of 1940, as amended, 15 U.S.C. 80a-2.(a), shall not be acquired or held, unless they are securities or other obligations of the Federal or a State government;
- (b) The Trustee is authorized to invest the Fund in time or demand deposits of the Trustee, to the extent insured by an agency of the Federal or a State government; and
- (c) The Trustee is authorized to hold cash awaiting investment or distribution uninvested for a reasonable time and without liability for the payment of interest thereon.

Section 8. Commingling and Investment. The Trustee is expressly authorized in its discretion:

- (a) To transfer from time to time any or all of the assets of the Fund to any common, commingled, or collective trust fund created by the Trustee in which the Fund is eligible to participate, subject to all of the provisions thereof, to be commingled with the assets of other trusts participating therein; and
- (b) To purchase shares in any investment company registered under the Investment Company Act of 1940, 15 U.S.C. 80a-1 et seq., including one which may be created, managed, underwritten, or to which investment advice is rendered or the shares of which are sold by the Trustee. The Trustee may vote such shares in its discretion.

Section 9. Express Power of Trustee. Without in any way limiting the powers and discretions conferred upon the Trustee by the other provisions of this Agreement or by law, the Trustee is expressly authorized and empowered:

- (a) To sell, exchange, convey, transfer, or otherwise dispose of any property held by it, by public or private sale. No person dealing with the Trustee shall be bound to see to the application of the purchase money or to inquire into the validity or expediency of any such sale or other disposition;

(b) To make, execute, acknowledge, and deliver any and all documents transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted;

(c) To register any securities held in the Fund in its own name or in the name of a nominee and to hold any security in bearer form or in book entry, or to combine certificates representing such securities with certificates of the same issue held by the Trustee in other fiduciary capacities, or to deposit or arrange for the deposit of such securities in a qualified central depository even though, when so deposited, such securities may be merged and held in bulk in the name of the nominee of such depository with other securities deposited therein by another person, or to deposit or arrange for the deposit of any securities issued by the United States Government, or any agency or instrumentality thereof, with a Federal Reserve bank, but the books and records of the Trustee shall at all times show that all such securities are part of the Fund;

(d) To deposit any cash in the Fund in interest-bearing accounts maintained or savings certificates issued by the Trustee, in its separate corporate capacity, or in any other banking institution affiliated with the Trustee, to the extent insured by an agency of the Federal or a State government; and

(e) To compromise or otherwise adjust all claims in favor of or against the Fund.

Section 10. Taxes and Expenses. All taxes of any kind that may be assessed or levied against or in respect of the Fund and all brokerage commissions incurred by the Fund shall be paid from the Fund. All other expenses incurred by the Trustee in connection with the administration of this Trust, including fees for legal services rendered to the Trustee, the compensation of the Trustee to the extent not paid directly by the Grantor, and all other proper charges and disbursements of the Trustee shall be paid from the Fund.

Section 11. Annual Valuation. The Trustee shall annually, at least 30 days prior to the anniversary date of establishment of the Fund, furnish to the Grantor and to the Secretary of the FDEP a statement confirming the value of the Trust. Any securities in the Fund shall be valued at market value as of no more than 60 days prior to the anniversary date of establishment of the fund. The failure of the Grantor to object in writing to the Trustee within 90 days after the statement has been furnished to the Grantor and the FDEP Secretary shall constitute a conclusively binding assent by the Grantor, barring the Grantor from asserting any claim or liability against the Trustee with respect to matters disclosed in the statement.

Section 12. Advice of Counsel. The Trustee may from time to time consult with counsel, who may be counsel to the Grantor, with respect to any question arising as to the construction of this Agreement or any action to be taken hereunder. The Trustee shall be fully protected, to the extent permitted by law, in acting upon the advice of counsel.

Section 13. Trustee Compensation. The Trustee is authorized to charge against the principal of the Trust its published Trust fee schedule in effect at the time services are rendered.

Section 14. Successor Trustee. The Trustee may resign or the Grantor may replace the Trustee, but such resignation or replacement shall not be effective until the Grantor has appointed a successor Trustee and this successor accepts the appointment. The successor trustee shall have the same powers and duties as those conferred upon the Trustee hereunder. Upon the successor trustee's acceptance of the appointment, the Trustee shall assign, transfer, and pay over to the successor trustee the funds and properties then constituting the Fund. If for any reason the Grantor cannot or does not act in the event of the resignation of the Trustee, the Trustee may apply to a court of competent jurisdiction for the appointment of a successor trustee or for instructions. The successor trustee shall specify the date on which it assumes administration of the trust in a writing sent to the Grantor, FDEP Secretary, and the present Trustee by certified mail 10 days before such change becomes effective. Any expenses incurred by the Trustee as a result of any of the acts contemplated by this Section shall be paid as provided in Section 10.

Section 15. Instructions to the Trustee. All orders, requests, and instructions by the Grantor to the Trustee shall be in writing, signed by such persons as are designated in the attached Exhibit A or such other designees as the Grantor may designate by amendment to Exhibit A. The Trustee shall be fully protected in acting without inquiry in accordance with the Grantor's orders, requests, and instructions. All orders, requests, and instructions by the FDEP Secretary to the Trustee shall be in writing, signed by the FDEP Secretary, or the designee, and the

Trustee shall act and shall be fully protected in acting in accordance with such orders, requests, and instructions. The Trustee shall have the right to assume, in the absence of written notice to the contrary, that no event constituting a change or a termination of the authority of any person to act on behalf of the Grantor or the FDEP hereunder has occurred. The Trustee shall have no duty to act in the absence of such orders, requests, and instructions from the Grantor and/or the FDEP, except as provided for herein.

Section 16. Amendment of Agreement. This Agreement may be amended by an instrument in writing executed by the Grantor, the Trustee, and the FDEP Secretary, or by the Trustee and the FDEP Secretary if the Grantor ceases to exist.

Section 17. Irrevocability and Termination. Subject to the right of the parties to amend this Agreement as provided in Section 16, this Trust shall be irrevocable and shall continue until terminated at the written agreement of the Grantor, the Trustee, and the FDEP Secretary, or by the Trustee and the FDEP Secretary, if the Grantor ceases to exist. Upon termination of the Trust, all remaining trust property, less final trust administration expenses, shall be delivered to the Grantor.

Section 18. Immunity and Indemnification. The Trustee shall not incur personal liability of any nature in connection with any act or omission, made in good faith, in the administration of this Trust, or in carrying out any directions by the Grantor or the FDEP Secretary issued in accordance with this Agreement. The Trustee shall be indemnified and saved harmless by the Grantor or from the Trust Fund, or both, from and against any personal liability to which the Trustee may be subjected by reason of any act or conduct in its official capacity, including all expenses reasonably incurred in its defense in the event the Grantor fails to provide such defense.

Section 19. Choice of Law. This Agreement shall be administered, construed, and enforced according to the laws of the State of Florida.

Section 20. Interpretation. As used in this Agreement, words in the singular include the plural and words in the plural include the singular. The descriptive headings for each Section of this Agreement shall not affect the interpretation or the legal efficacy of this Agreement.

IN WITNESS WHEREOF the parties have caused this Agreement to be executed by their respective officers duly authorized and their corporate seals to be hereunto affixed and attested as of the date first above written.

Signature of Grantor

Signature of Trustee

Title

Title

Signature of Witness or Notary

Signature of Witness or Notary

Seal

Seal

BELOW ARE EXAMPLES OF THE FORM REQUIRED ATTACHMENTS THAT MUST ACCOMPANY A TRUST FUND AGREEMENT. THEY ARE ONLY EXAMPLES OF FORMATS ACCEPTABLE TO THE DEPARTMENT. THEREFORE, VARIATIONS CONTAINING THE REQUIRED INFORMATION ARE ALSO ACCEPTABLE.

**CERTIFICATION OF ACKNOWLEDGMENT FOR
SOLID WASTE MANAGEMENT FACILITY TRUST FUND AGREEMENT**

State of _____

County of _____

The foregoing instrument was acknowledged before me this _____ day of _____, 19____, by

Name of person as _____ Type of authority, e.g., officer, trustee, etc.
for _____, the corporation described in and which
Name of party on behalf of whom instrument was executed
executed the above instrument.

Signature of Notary Public, State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known _____ or Produced Identification _____

Type of Identification Produced _____

SCHEDULE A

This Agreement demonstrates financial assurance for the following cost estimate(s) for the following facility(ies):

Indicate "Required Action" for each facility

GMS I.D. No.: _____

NAME: _____

ADDRESS: _____

COST ESTIMATES:

Closure \$ _____

Post-Closure \$ _____

Corrective Action \$ _____

Total \$ _____

SCHEDULE B

The Fund is established initially as consisting of the following property:

List the property used to establish the trust fund (e.g. [check # _____] in the amount of \$ _____).

EXHIBIT A

All orders, requests, and instructions by the grantor to the Trustee shall be in writing and signed by one of the following persons:

Name _____

Title _____

Name _____

Title _____

Name _____

Title _____



Department of Environmental Protection

Lawton Chiles
Governor

OCT 27 1998

Southeast District
P.O. Box 15425
West Palm Beach, Florida 33416

Virginia B. Wetherell
Secretary

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Perma-Fix of Ft. Lauderdale, Inc.
3701 SW 47th Avenue, Suite 109
Davie, FL 33314
Attn: Mr. Christopher L. Blanton
General Manager

DEP File No. HO06-307932
Broward County

RE: Used Oil Processor Permit Number HO06-307932, Solid Waste Management Issues
and Permit Requirements

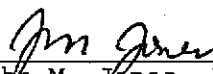
Dear Mr. Blanton:

This letter serves to inform you of certain waste management issues that may exist at your Used Oil Processor Facility. Based on a recent inspection, it appears that solid waste management processes not covered under the Used Oil Processor Permit requirements of Rule 62-710, F.A.C. may be occurring at your Facility. You may be required to submit a permit modification to include applicable solid waste management operations. Solid wastes which do not meet the definition of "used oil," that are processed onsite must be managed in accordance with the requirements of Chapter 62-701, F.A.C. entitled "Solid Waste Management Facilities."

Please prepare a detailed description of the non-hazardous materials handled at the facility and submit it to the Department for review. These materials include all solid wastes that are accepted, processed, stored, generated, or otherwise managed at the Facility that do not meet the definition of used oil.

Please contact our office as soon as possible to set up a meeting where these issues can be discussed. If you have any questions, please contact Vincent Peluso of this office, telephone number (561) 681-6673.

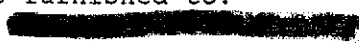
Sincerely,


John M. Jones, P.E.
Hazardous Waste Section Supervisor
Southeast District

OCT 27 1998

JJ/vp

Copies furnished to:


Lorraine Verano, Broward County DNRP
Rick Neves, FDEP-Tallahassee
Lee Hoefert, FDEP-SED



Department of Environmental Protection

Lawton Chiles
Governor

OCT 02 1997

Southeast District
P.O. Box 15425
West Palm Beach, Florida 33416

Virginia B. Wetherell
Secretary

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

In the Matter of an
Application for Permit by:

FILE

Perma-Fix of Ft. Lauderdale, Inc.
3701 SW 47th Avenue, Suite 109
Davie, FL 33314
Attn: Mr. Christopher L. Blanton
General Manager

DEP File No. H006-307932
Broward County

INTENT TO ISSUE

The Department of Environmental Protection gives notice of its Intent to Issue a permit (draft copy attached) for the proposed project as detailed in the application specified above. The Department is issuing this Intent to Issue for the reasons stated below.

The applicant, Perma-Fix of Ft. Lauderdale, Inc., applied on June 18, 1997 and on July 24, 1997 completed the application to the Department of Environmental Protection, DEP File Number H006-307932, to operate a Used Oil Processing Facility. The project is located at 3670 SW 47th Avenue, Davie, Broward County, Florida, 33314.

The Department has permitting jurisdiction under Section 403.087, Florida Statutes (F.S.), to issue or deny permits for Used Oil Processing Facilities. The project is not exempt from permitting procedures. The Department has determined that a Used Oil Processing Permit is required for the proposed work.

The Department intends to issue this permit based on Chapters 62-4 and 62-710, Florida Administrative Code (F.A.C.), and believes reasonable assurances have been provided to indicate the proposed project will not adversely impact the environment.

Pursuant to Section 403.815, F.S., and Rule 62-103.150, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Notice of Intent to Issue Permit. The notice shall be published one time only within 30 days, in the legal ad section of a newspaper of general circulation in the area affected. For the purpose of this rule, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place.

The applicant shall provide original copy of the proof of publication to the Department, at F.D.E.P., Southeast District, P.O. Box 15425, West Palm Beach, Florida 33416 within seven days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to sections 120.569 and 120.57 of the Florida Statutes, or all parties reach a written agreement on mediation as an alternative remedy under section 120.573 before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for petitioning for a hearing are set forth below, followed by the procedures for pursuing mediation.

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

Printed on recycled paper.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative hearing in accordance with sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any other person must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. A petitioner must mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition (or a request for mediation, as discussed below) within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 of the Florida Statutes, or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-5.207 of the Florida Administrative Code.

A petition must contain the following information:

- (a) The name, address, and telephone number of each petitioner, the applicants name and address, the Department Permit File Number, and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Departments action or proposed action;
- (c) A statement of how each petitioners substantial interests are affected by the Departments action or proposed action;
- (d) A statement of the material facts disputed by the petitioner, if any;
- (e) A statement of the facts that the petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement identifying the rules or statutes that the petitioner contends require reversal or modification of the Department's action or proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take with respect to the action or proposed action addressed in this notice of intent.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Departments final action may be different from the position taken by it in this notice of intent. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Any person may elect to pursue mediation by reaching a mediation agreement with all parties to the proceeding (which include the applicant, the Department, and any person who has filed a timely and sufficient petition for a hearing) and by showing how the substantial interests of each mediating party are affected by the Departments action or proposed action. The agreement must be filed in (received by) the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, by the same deadline as set forth above for the filing of a petition.

The agreement to mediate must include the following:

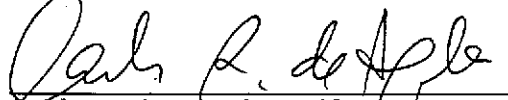
- (a) The names, addresses, and telephone numbers of any persons who may attend the mediation;
- (b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time;

- (c) The agreed allocation of the costs and fees associated with the mediation;
- (d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation;
- (e) The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen;
- (f) The name of each party's representative who shall have authority to settle or recommend settlement; and
- (g) Either an explanation of how the substantial interests of each mediating party will be affected by the action or proposed action addressed in this notice of intent or a statement clearly identifying the petition for hearing that each party has already filed, and incorporating it by reference.
- (h) The signatures of all parties or their authorized representatives.

As provided in section 120.573 of the Florida Statutes, the timely agreement of all parties to mediate will toll the time limitations imposed by sections 120.569 and 120.57 for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such a modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above, and must therefore file their petitions within fourteen days of receipt of this notice of intent. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under sections 120.569 and 120.57 remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

DONE AND ENTERED this 1 day of OCTOBER, 1997 in the City of West Palm Beach, Florida.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION


Carlos Rivero-deAguilar Date
Director of District Management
Southeast District

✓
CRA/VK/JJ/vp
attachments

CERTIFICATE OF SERVICE

This is to certify that this INTENT TO ISSUE and all copies were mailed before the close of business on OCT 02 1997 to the listed persons.

FILING AND ACKNOWLEDGMENT: FILED, on this date, pursuant to §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

D. Castiglione OCT 02 1997
Clerk Date

Copies furnished to:

Lorraine Verano, Broward County DNRP
Rick Neves, FDEP-Tallahassee

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF INTENT TO ISSUE PERMIT

The Department of Environmental Protection gives notice of its intent to issue a permit, number H006-307932, to Perma-Fix of Ft. Lauderdale, Inc., to operate a Used Oil Processing Facility. The project site is located at 3670 SW 47th Avenue, Davie, Broward County, Florida, 33314.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Section 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within (14) days of publication of this notice. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative (hearing) under Section 120.57, F.S.

The petition shall contain the following information: (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed; (b) A statement of how and when each petitioner received notice of the Department's action or proposed action; (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of publication of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice of intent. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Any person may elect to pursue mediation by reaching a mediation agreement with all parties to the proceeding (which include the applicant, the Department, and any person who has filed a timely and sufficient petition for a hearing) and by showing how the substantial interests of each mediating party are affected by the Department's action or proposed action. The agreement must be filed in (received by) the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee,

Florida 32399-3000, by the same deadline as set forth above for the filing of a petition.

The agreement to mediate must include the following:

- (a) The names, addresses, and telephone numbers of any persons who may attend the mediation;
- (b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time;
- (c) The agreed allocation of the costs and fees associated with the mediation;
- (d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation;
- (e) The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen;
- (f) The name of each party's representative who shall have authority to settle or recommend settlement; and
- (g) Either an explanation of how the substantial interests of each mediating party will be affected by the action or proposed action addressed in this notice of intent or a statement clearly identifying the petition for hearing that each party has already filed, and incorporating it by reference.
- (h) The signatures of all parties or their authorized representatives.

As provided in section 120.573 of the Florida Statutes, the timely agreement of all parties to mediate will toll the time limitations imposed by sections 120.569 and 120.57 for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such a modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above, and must therefore file their petitions within fourteen days of receipt of this notice of intent. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under sections 120.569 and 120.57 remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Southeast Florida District Office, 400 North Congress Avenue, Suite 201, West Palm Beach, Florida 33401.

DRAFT

PERMITTEE:

Perma-Fix of Ft. Lauderdale, Inc.
3701 SW 47th Avenue, Suite 109
Davie, FL 33314

Attn.: Mr. Christopher L. Blanton
General Manager

I.D. Number: FLD 981 018 773
Permit/Cert Number: HO06-307932
Date of Issue:
Expiration Date: **DRAFT**
County: Broward
Lat/Long: 24°04'34" N/80°12'37" W
Section/Township/Range: 25/50/41
Project: Used Oil Processing
Facility

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Rule(s) 62-4 and 62-710. The above named Permittee is hereby authorized to perform the work or operate the Facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

TO OPERATE: A Used Oil Processing Facility, consisting of container storage areas, an aboveground tank storage area, a wastewater pre-treatment system, and a load/unload area. (Hereinafter referred to as "Facility")

The Facility has 16 above-ground tanks which may be used to store or process used oil, oily wastewater, petroleum contact water, and other non-hazardous wastewaters as described in "Waste Oil Recycling Unit" and "Wastewater Treatment Unit" tables, Section 4, Page 29, and corresponding "Site Plan" of the permit application. All tanks are inside secondary containment. The Facility also has a hazardous drum staging area and a non-hazardous drum storage area. The Facility maintains a wastewater pretreatment system. The Facility is surrounded by a wall, a fence, and a gate for controlled access.

The Facility handles used oil, oily wastewater, oil filters, petroleum contact water, antifreeze, industrial wastewater, petroleum contaminated soils and sludges, and virgin fuel. Operation of the Facility will be in accordance with the permit application.

The Permittee also maintains a hazardous waste transfer facility at the site in accordance with Rule 62-730.171, F.A.C.

This permit replaces Permit No. SO06-289950.

IN ACCORDANCE WITH: Used Oil Processing Facility Permit Application and Instructions Final Draft, (9/30/96) received June 18, 1997.

LOCATED AT: Perma-Fix of Ft. Lauderdale, Inc., 3670 SW 47th Avenue, Davie, Broward County, Florida, 33314 (Referred to as "Facility")

SUBJECT TO: General Conditions (1-15) and Specific Conditions (1-19).

DRAFT

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations, and restrictions set forth herein are "Permit Conditions" and as such are binding upon the Permittee and enforceable pursuant to the authority of Sections 403.141, 403.727, or 403.859 through 403.861, F.S. The Permittee is hereby placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of the "Permit Conditions" by the Permittee, its agents, employees, servants or representatives.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in Subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Nor does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit does not constitute a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.
4. This permit conveys no title to land or water, does not constitute state recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the state. Only the Trustees of the Internal Improvement Trust Fund may express state opinion as to title.
5. This permit does not relieve the Permittee from liability for harm or injury to human health or welfare, animal, plant or aquatic life or property and penalties therefor caused by the construction or operation of this permitted source, nor does it allow the Permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The Permittee shall at all times properly operate and maintain the Facility and systems of treatment and control (and related appurtenances) that are installed or used by the Permittee to achieve compliance with the conditions of this permit, as required by Department rules.
7. The Permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law, access to the premises, at reasonable times, where the permitted activity is located or conducted for the purpose of:
 - (a) Having access to and copying any records that must be kept under the conditions of the permit;
 - (b) Inspecting the Facility, equipment, practices, or operations regulated or required under this permit; and
 - (c) Sampling or monitoring any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.Reasonable time may depend on the nature of the concern being investigated.

GENERAL CONDITIONS (Continued):

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8. If, for any reason, the Permittee does not comply with or will be unable to comply with any condition or limitation specified in the permit, the Permittee shall immediately notify and provide the Department with the following information:
 - (a) a description of and cause of non-compliance; and
 - (b) the period of non-compliance, including exact dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance. The Permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or revocation of this permit.
9. In accepting this permit, the Permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source, which are submitted to the Department, may be used by the Department as evidence in any enforcement case arising under the Florida Statutes or Department rules, except where such use is proscribed by Sections 403.73 and 403.111, F.S.
10. The Permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance, provided however, the Permittee does not waive any other rights granted by Florida Statutes or Department rules.
11. This permit is transferable only upon Department approval in accordance with Rules 62-4.120 and 62-730.300, F.A.C., as applicable. The Permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
12. This permit is required to be kept at the work site of the permitted activity during the entire period of construction or operation.
13. This permit also constitutes:
 - () Determination of Best Available Control Technology (BACT)
 - () Determination of Prevention of Significant Deterioration (PSD)
 - () Certification of Compliance with State Water Quality Standards (Section 401, PL 92-500)
 - () Compliance with New Source Performance Standards

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GENERAL CONDITIONS (Continued):

14. The Permittee shall comply with the following monitoring and record keeping requirements:
 - (a) Upon request, the Permittee shall furnish all records and plans required under Department rules. The retention period for all records will be extended automatically, unless otherwise stipulated by the Department, during the course of any unresolved enforcement action.
 - (b) The Permittee shall retain at the Facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation), copies of all reports required by this permit, and records of all data used to complete the application for this permit. The time period of retention shall be at least three years from the date of the sample, measurement, report or application unless otherwise specified by Department rule.
 - (c) Records of monitoring information shall include:
 - the date, exact place, and time of sampling or measurements;
 - the person responsible for performing the sampling or measurements
 - the date(s) analyses were performed;
 - the person responsible for performing the analyses;
 - analytical techniques or methods used; and
 - results of such analyses.
15. When requested by the Department, the Permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the Permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be submitted or corrected promptly.

SPECIFIC CONDITIONS:

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PART I - STANDARD REQUIREMENTS:

1. Submittals in response to these conditions shall be submitted as follows:

(a) Two (2) copies shall be submitted to:

Hazardous Waste Program Manager
Department of Environmental Protection
Southeast District
400 North Congress Avenue
P.O. Box 15425
West Palm Beach, Florida 33416-5425

(b) One (1) copy shall be submitted to:

Environmental Administrator
Hazardous Waste Management Section
Bureau of Solid and Hazardous Waste
Department of Environmental Protection
2600 Blair Stone Road, MS 4555
Tallahassee, Florida 32399-2400

2. The Permittee shall annually register its used oil handling activities with the Department on DEP Form 62-701.900(13) by March 1 of each year.

3. The Permittee shall display the validated registration form and identification number in a prominent place at each facility location. [Rule 62-710.500(4), F.A.C.]

4. Pursuant to 40 CFR 279.56 and Rule 62-710.510(1) the Permittee must comply with the following tracking requirements: (The Permittee shall maintain records on DEP Form 62-701.900(13) or on substantially equivalent forms which contain at least the same information as the Department form. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents which include all of the following information.)

(a) Acceptance. The Permittee must keep a record of each used oil shipment accepted for processing. Records for each shipment must include the following information:

- (1) The name and address of the transporter who delivered the used oil to the Permittee;**
- (2) The source of the used oil, including the name and street address of each source, the EPA identification number of the source, if applicable;**
- (3) The EPA identification number of the transporter who delivered the used oil to the Permittee;**
- (4) The EPA identification number (if applicable) of the generator or processor from whom the used oil was sent;**
- (5) The total number of gallons of used oil received from each source, including any oily wastes which may be an integral part of the used oil shipment. This includes the type of used oil received, using the type code designation found in the form instructions; and**
- (6) The date of receipt/acceptance.**

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SPECIFIC CONDITIONS: (Continued)

- (b) Delivery. The Permittee must keep a record of each shipment of used oil that is shipped to a used oil burner, processor/re-refiner, or disposal facility. Records for each shipment must include the following information:
 - (1) The name and address of the transporter who delivers the used oil to the burner, processor/re-refiner or disposal facility;
 - (2) The name and address of the burner, processor/re-refiner or disposal facility who will receive the used oil along with the end use code designation found in the form instructions;
 - (3) The EPA identification number of the transporter who delivers the used oil to the burner, processor/re-refiner or disposal facility;
 - (4) The EPA identification number of the burner, processor/re-refiner, or disposal facility who will receive the used oil;
 - (5) The quantity of used oil shipped; and
 - (6) The date of shipment.
 - (c) Record retention. All records required by this permit, including the records described in paragraphs (a) and (b) of this section, must be maintained for at least three years. The records shall be kept at the street address of the Permittee and shall be available for inspection by the Department during normal business hours.
- 5. The Permittee shall maintain documentation of any shipment of used oil which is refused due to suspected mixing with hazardous waste. The Permittee shall notify the Department's Southeast District Office, Hazardous Waste Section Supervisor, at (561)681-6600.
 - 6. Pursuant to 40 CFR 279.57 the Permittee must keep a written operating record at the Facility. This includes the following information, which must be recorded as it becomes available and maintained in the operating record until closure of the Facility:
 - (a) Records and results of used oil analyses performed as described in the analysis plan required under 40 CFR 279.55; and
 - (b) Summary reports and details of all incidents that require implementation of the contingency plan as specified in 40 CFR 279.52(b).
 - 7. No later than March 1 of each year, the Permittee shall submit an annual report for the preceding calendar year to the Department on DEP Form 62-701.900(14). The report shall summarize the records kept pursuant to 40 CFR 279.57(b) and Rule 62-710, F.A.C. and shall also include:
 - (a) The EPA identification number, name, and address of the Permittee;
 - (b) The calendar year covered by the report; and
 - (c) The quantities of used oil accepted for processing and the manner in which the used oil is processed, including the specific processes employed.
 - 8. The Permittee shall operate, modify, or close the Facility only pursuant to this permit issued by the Department in accordance with Rule 62-710, F.A.C.

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SPECIFIC CONDITIONS: (Continued)

9. Aboveground storage and process tanks, having a capacity greater than 550 gallons, and all integral piping shall comply with the performance standards of Rule 62-762.500, F.A.C., for new tanks, Rule 62-762.510, F.A.C., for existing shop-fabricated tanks, or Rule 62-762.520, F.A.C., for existing field erected tanks. The required assessment for structural integrity and tightness for process and storage tank integral piping shall be completed by December 31, 1997. Repairs to aboveground storage and process tanks shall meet the criteria of Rule 62-762.700, F.A.C.
10. The inspection records and release detection monitoring required in Rule 62-762.600, F.A.C., for aboveground storage and process tanks and integral piping shall be maintained in the Permittee's operating record.
11. Before closing or making any substantial modification to the Facility, the Permittee shall submit to the Department the Used Oil Processing Facility Permit Modification Request, pursuant to Rules 62-4.080 and 62-710.800(6), F.A.C. The engineering aspects of the request must be certified by a Professional Engineer.
 - (a) Pursuant to Rules 62-4.050(6,7) and 62-710.800(6)(a), F.A.C., a substantial modification means a modification which is reasonably expected to lead to substantially different environmental impacts which require a detailed review. For purposes of this subsection, an increase in storage capacity of the Facility by 25% or 25,000 gallons, whichever is less, is considered a substantial modification.
 - (b) Pursuant to Rules 62-4.050(4)(r) and 62-710.800(6)(b), F.A.C., a minor modification means a modification that does not require substantial technical evaluation by the Department, does not require a new site inspection by the Department, and will not lead to substantially different environmental impacts or will lessen the impacts of the original permit. For purposes of this subsection, replacement of existing tanks with new tanks is considered a minor modification.
 - (c) Pursuant to Rule 62-710.800(6)(c), F.A.C., changes at the Facility which involve routine maintenance, such as repair of equipment, replacement of equipment with similar equipment, aesthetic changes, or minor operational changes are not considered modifications, do not have to be reported to the Department, and require no permit fee. The Permittee should contact the Department if there are questions as to whether a change would be considered routine maintenance.
12. Notwithstanding the provisions of Rule 62-4.050, F.A.C., the fee for a used oil processor permit application is \$2,000. The fee for a substantial modification to the permit or permit renewal application is \$500. No permit fee is required for minor modifications. Applications for renewal of permits shall be submitted to the Department at least 60 days prior to the expiration date of the existing permit in accordance with Rule 62-4.090, F.A.C.

SPECIFIC CONDITIONS: (Continued)

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13. The closure plan:

- (a) The Permittee shall maintain an adequate written closure plan and it must demonstrate how the Facility will be closed to meet the following requirements:
 - (1) There will be no need for further facility maintenance;
 - (2) Used oil will not contaminate surface or ground water;
 - (3) All tanks, piping, secondary containment and ancillary equipment will be emptied, cleaned and decontaminated, and all materials removed and managed; and
 - (4) Aboveground tanks. Aboveground storage and process tanks and all integral piping will be closed pursuant to Rule 62-762, F.A.C. and 40 CFR 279.54(h). Permittees who store or process used oil in aboveground tanks must comply with the following requirements:
 - (i) At closure of a tank system, the Permittee must remove or decontaminate used oil residues in tanks, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them as hazardous waste, unless the materials are not hazardous waste as defined in 40 CFR 261 or determined, pursuant to 40 CFR 262.11.
 - (ii) If the Permittee demonstrates that not all contaminated soils can be practicably removed or decontaminated as required, then the Permittee must close the tank system and perform post-closure care in accordance with the closure and post-closure care requirements that apply to hazardous waste landfills as defined in 40 CFR 265.310.
 - (5) Containers. Pursuant to closure requirements of 40 CFR 279.54(h), Permittees who store used oil in containers must comply with the following requirements:
 - (i) At closure, containers holding used oils or residues of used oil must be removed from the site;
 - (ii) The Permittee must remove or decontaminate used oil residues, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them as hazardous waste, unless the materials are not hazardous waste as defined in 40 CFR 261 or determined, pursuant to 40 CFR 262.11.
- (b) The closure plan shall be updated whenever significant operational changes occur or design changes are made.
- (c) The closure plan shall be maintained with records required under Rule 62-710.510, F.A.C.
- (d) The Permittee shall submit an updated and detailed closure plan to the Department at least 60 days prior to the scheduled date of closing the Facility.
- (e) Within 30 days after closing the Facility, the Permittee shall submit a certification of closure completion to the Department which demonstrates that the Facility was closed in substantial compliance with the detailed closure plan.

SPECIFIC CONDITIONS: (Continued)

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14. The Permittee must comply with General Facility Standards pursuant to 40 CFR 279.52 and Rule 62-710.800(1) as follows:

(a) Preparedness and prevention. The Permittee must comply with the following requirements:

- (1) Maintenance and operation of Facility. The Facility must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water which could threaten human health or the environment.
- (2) Required equipment. The Facility must be equipped with the following:
 - (i) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to Facility personnel;
 - (ii) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams;
 - (iii) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment and decontamination equipment; and
 - (iv) Water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems.
- (3) Testing and maintenance of equipment. All Facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.
- (4) Access to communications or alarm system.
 - (i) Whenever used oil is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee.
 - (ii) If there is ever just one employee on the premises while the Facility is operating, the employee must have immediate access to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance.
- (5) Required aisle space. The Permittee must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of Facility operation in an emergency.
- (6) Arrangements with local authorities.
 - (i) The Permittee must maintain the following arrangements:
 - (A) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the Facility, properties of used oil handled at the Facility and associated hazards, places where Facility personnel would normally be working, entrances to roads inside the Facility, and possible evacuation routes;

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SPECIFIC CONDITIONS: (Continued)

- (B) Where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority;
 - (C) Agreements with State emergency response teams, emergency response contractors, and equipment suppliers; and
 - (D) Arrangements to familiarize local hospitals with the properties of used oil handled at the Facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the Facility.
- (ii) Where State or local authorities decline to enter into such arrangements, the Permittee must document the refusal in the operating record.
- (b) Contingency plan and emergency procedures. The Permittee must comply with the following requirements:
- (1) Purpose and implementation of contingency plan.
 - (i) The Permittee must have a contingency plan for the Facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water.
 - (ii) The provisions of the plan must be carried out immediately whenever there is a fire, explosion, or release of used oil which could threaten human health or the environment.
 - (2) Content of contingency plan.
 - (i) The contingency plan must describe the actions Facility personnel must take to comply with paragraphs (b) (1) and (6) of this section in response to fires, explosions, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water at the Facility.
 - (ii) The Permittee may amend a Spill Prevention, Control, and Countermeasures (SPCC) Plan to comply with the requirements of this part.
 - (iii) The plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services, pursuant to paragraph (a)(6) of this section.
 - (iv) The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see paragraph (b)(5) of this section), and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates.
 - (v) The plan must include a list of all emergency equipment at the Facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.

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SPECIFIC CONDITIONS: (Continued)

- (vi) The plan must include an evacuation plan for Facility personnel where there is a possibility that evacuation could be necessary. This plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of used oil or fires).
- (3) Copies of contingency plan. A copy of the contingency plan and all revisions to the plan must be:
 - (i) Maintained at the Facility; and
 - (ii) Submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.
- (4) Amendment of contingency plan. The contingency plan must be reviewed, and immediately amended, if necessary, whenever:
 - (i) Applicable regulations are revised;
 - (ii) The plan fails in an emergency;
 - (iii) The Facility changes in its design, construction, operation, maintenance, or other circumstances in a way that materially increases the potential for fires, explosions, or releases of used oil, or changes the response necessary in an emergency;
 - (iv) The list of emergency coordinators changes; or
 - (v) The list of emergency equipment changes.
- (5) Emergency coordinator. At all times, there must be at least one employee either on the Facility premises or on call (i.e., available to respond to an emergency by reaching the Facility within a short period of time) with the responsibility for coordinating all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the Facility's contingency plan, all operations and activities at the Facility, the location and characteristic of used oil handled, the location of all records within the Facility, and Facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.
- (6) Emergency procedures.
 - (i) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or the designee when the emergency coordinator is on call) must immediately:
 - (A) Activate internal Facility alarms or communication systems, where applicable, to notify all Facility personnel; and
 - (B) Notify appropriate State or local agencies with designated response roles if their help is needed.
 - (ii) Whenever there is a release, fire, or explosion, the emergency coordinator must immediately identify the character, exact source, amount, and a real extent of any released materials. He may do this by observation or review of Facility records of manifests and, if necessary, by chemical analyses.
 - (iii) Concurrently, the emergency coordinator must assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-offs from water of chemical agents used to control fire and heat-induced explosions).

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SPECIFIC CONDITIONS: (Continued)

- (iv) If the emergency coordinator determines that the Facility has had a release, fire, or explosion which could threaten human health, or the environment, outside the Facility, he must report his findings as follows:
 - (A) If his assessment indicated that evacuation of local areas may be advisable, he must immediately notify appropriate local authorities. He must be available to help appropriate officials decide whether local areas should be evacuated; and
 - (B) He must immediately notify the Department's State Warning Point at 850/413-9911 and the National Response Center (using their 24-hour toll free number 800/424-8802). The report must include:
 - (1) Name and telephone number of reporter;
 - (2) Name and address of Facility;
 - (3) Time and type of incident (e.g., release, fire);
 - (4) Name and quantity of material(s) involved, to the extent known;
 - (5) The extent of injuries, if any; and
 - (6) The possible hazards to human health, or the environment, outside the Facility.
- (v) During an emergency, the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other used oil or hazardous waste at the Facility. These measures must include, where applicable, stopping processes and operation, collecting and containing released used oil, and removing or isolating containers.
- (vi) If the Facility stops operation in response to a fire, explosion, or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.
- (vii) Immediately after an emergency, the emergency coordinator must provide for recycling, storing, or disposing of recovered used oil, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the Facility.
- (viii) The emergency coordinator must ensure that, in the affected area(s) of the Facility:
 - (A) No waste or used oil that may be incompatible with the released material is recycled, treated, stored, or disposed of until cleanup procedures are completed; and
 - (B) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.
 - (C) The Permittee must notify the Department that the Facility is in compliance with paragraphs (b) (6) (viii) (A) and (B) of this section before operations are resumed in the affected area(s) of the Facility.

SPECIFIC CONDITIONS: (Continued)

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- (ix) The Permittee must note in the operating record the time, date and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, he must submit a written report on the incident to the Department. The report must include:
 - (A) Name, address, and telephone number of the Permittee;
 - (B) Name, address, and telephone number of the Facility;
 - (C) Date, time, and type of incident (e.g., fire, explosion);
 - (D) Name and quantity of material(s) involved;
 - (E) The extent of injuries, if any;
 - (F) An assessment of actual or potential hazards to human health or the environment, where this is applicable;
 - (G) Estimated quantity and disposition of recovered material that resulted from the incident.
- 15. The Permittee must comply with the following requirements, pursuant to 40 CFR 279.53, regarding the rebuttable presumption for used oil.
 - (a) To ensure that used oil managed by the Permittee is not hazardous waste under the rebuttable presumption of 40 CFR 279.10(b)(1)(ii), the Permittee must determine whether the total halogen content of used oil managed at the Facility is above or below 1,000 ppm.
 - (b) The Permittee must make this determination by:
 - (1) Testing the used oil; or
 - (2) Applying knowledge of the halogen content of the used oil in light of the materials or processes used.
 - (c) If the used oil contains greater than or equal to 1,000 ppm total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in 40 CFR 261, Subpart D. The Permittee may rebut the presumption by demonstrating that the used oil does not contain hazardous waste or show it to be exempt as allowed in 40 CFR 279.53(c)(1,2).
- 16. The Permittee must comply with the used oil management standards, pursuant to 40 CFR 279.54, and all applicable Spill Prevention, Control and Countermeasures, pursuant to 40 CFR 112, in addition to the following.
 - (a) Management units. The Permittee may not store used oil in units other than tanks, containers, or units subject to regulation under 40 CFR 264 or 265.
 - (b) Condition of units. Containers and aboveground tanks used to store or process used oil at the Facility must be:
 - (1) In good condition (no severe rusting, apparent structural defects or deterioration); and
 - (2) Not leaking (no visible leaks).
 - (c) Secondary containment for containers and aboveground tanks. Containers and aboveground tanks used to store or process used oil at the Facility must be equipped with a secondary containment system.
 - (1) The secondary containment system must consist of, at a minimum:
 - (i) Dikes, berms or retaining walls; and
 - (ii) A floor. The floor must cover the entire area within the dike, berm, or retaining wall; or
 - (iii) An equivalent secondary containment system.

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SPECIFIC CONDITIONS: (Continued)

- (2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.
 - (d) Labels. Containers and aboveground tanks used to store or process used oil at the Facility must be labeled or marked clearly with the words "Used Oil."
 - (e) Response to releases. Upon detection of a release of used oil to the environment the Facility must perform the following cleanup steps:
 - (1) Stop the release;
 - (2) Contain the released used oil;
 - (3) Clean up and manage properly the released used oil and other materials; and
 - (4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.
17. Pursuant to 40 CFR 279.55, the Permittee must maintain a written analysis plan and follow the procedures it contains to comply with the analysis requirements of 40 CFR 279.53 and, if applicable, 40 CFR 279.72. The Permittee must keep the plan at the Facility.
- (a) Rebuttable presumption for used oil in 40 CFR 279.53. At a minimum, the plan must specify the following:
 - (1) Whether sample analyses or knowledge of the halogen content of the used oil will be used to make this determination.
 - (2) If sample analyses are used to make this determination:
 - (i) The sampling method used to obtain representative samples to be analyzed.
 - (ii) The frequency of sampling to be performed, and whether the analysis will be performed on-site or off-site; and
 - (iii) The methods used to analyze used oil for the parameters specified in 40 CFR 279.53; and
 - (3) The type of information that will be used to determine the halogen content of the used oil.
 - (b) On-specification used oil fuel in 40 CFR 279.72. At a minimum, the plan must specify the following if 40 CFR 279.72 is applicable:
 - (1) Whether sample analyses or other information will be used to make this determination;
 - (2) If sample analyses are used to make this determination:
 - (i) The sampling method used to obtain representative samples to be analyzed. A representative sample may be obtained using either:
 - (A) One of the sampling methods in 40 CFR 261, Appendix I; or
 - (B) A method shown to be equivalent under 40 CFR 260.20 and 260.21;
 - (ii) Whether used oil will be sampled and analyzed prior to or after any processing;
 - (iii) The frequency of sampling to be performed, and whether the analysis will be performed on-site or off-site; and
 - (iv) The methods used to analyze used oil for the parameters specified in 40 CFR 279.72 and 40 CFR 279.11; and
 - (3) The type of information that will be used to make the on-specification used oil fuel determination.
18. Pursuant to 40 CFR 279.58, the Permittee may only initiate shipments of used oil off-site using a used oil transporter who has obtained an EPA identification number.



Department of Environmental Protection

Lawton Chiles,
Governor

AUG 22 1997

Southeast District
P.O. Box 15425
West Palm Beach, Florida 33416

Virginia B. Wetherell
Secretary

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Christopher L. Blanton
Perma-Fix of Ft. Lauderdale, Inc.
3701 SW 47th Avenue, Suite 109
Davie, FL 33314

Broward County
HW - Used Oil Processor
Permit File #H006-307932

Dear Mr. Blanton:

This is to acknowledge receipt of your application, file number H006-307932.

[] This letter constitutes notice that a permit will be required for your project pursuant to Chapter(s) _____, Florida Statutes.

[X] Your application for permit is complete as of July 24, 1997 and processing has begun. You are advised that the Department under Chapter 120, Florida Statutes, must take final action on your application within ninety (90) days unless the time is tolled by administrative hearing.

[] Your application for permit is incomplete. Please provide the information listed on the attached sheet(s) promptly. Evaluation of your proposed project will be delayed until all requested information has been received.

[] The additional information received on _____ was reviewed, however, the item(s) listed on the attached sheet(s) remain incomplete. Evaluation of your proposed project will continue to be delayed until we receive all requested information.

[] At this time no permit is required for your project by the Hazardous Waste Section. Any modifications in your plans should be submitted for review, as changes may result in permits being required. This letter does not relieve you from the need to obtain any other permits (local, state or federal) which may be required.

If you have any questions, please contact me at telephone number 561-681-6673. When referring to this project, please use the file number indicated.

Sincerely,

Vincent Peluso, Permitting Engineer
Hazardous Waste Section

cc: ~~Permit File #H006-307932~~
Rick Neves, FDEP-Tallahassee
Broward County DNRP



Department of Environmental Protection

Lawton Chiles
Governor

JUL 17 1997

Southeast District
P.O. Box 15425
West Palm Beach, Florida 33416

Virginia B. Wetherell
Secretary

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Christopher L. Blanton
Perma-Fix of Ft. Lauderdale, Inc.
3701 SW 47th Avenue, Suite 109
Davie, FL 33314

Broward County
HW - Used Oil Processor
Permit File #H006-307932

Dear Mr. Blanton:

This is to acknowledge receipt of your application, file number H006-307932.

[] This letter constitutes notice that a permit will be required for your project pursuant to Chapter(s) _____, Florida Statutes.

[] Your application for permit is complete as of _____ and processing has begun. You are advised that the Department under Chapter 120, Florida Statutes, must take final action on your application within ninety (90) days unless the time is tolled by administrative hearing.

[X] Your application for permit is incomplete. Please provide the information listed on the attached sheet(s) promptly. Evaluation of your proposed project will be delayed until all requested information has been received.

[] The additional information received on _____ was reviewed, however, the item(s) listed on the attached sheet(s) remain incomplete. Evaluation of your proposed project will continue to be delayed until we receive all requested information.

[] At this time no permit is required for your project by the Hazardous Waste Section. Any modifications in your plans should be submitted for review, as changes may result in permits being required. This letter does not relieve you from the need to obtain any other permits (local, state or federal) which may be required.

If you have any questions, please contact me at telephone number 561-681-6673. When referring to this project, please use the file number indicated.

Sincerely,

Vincent Peluso, Permitting Engineer
Hazardous Waste Section

cc: Permit File- SED
Rick Neves, FDEP-Tallahassee
Broward County DNR

In order to complete review of your application pursuant to Section 403.087(4), Florida Statutes (F.S.), Sections 62-710, and 62-4.070(1), Florida Administrative Code (F.A.C.), please provide the following information.

1. Signatures are missing on the Application Form for Operator Certification, Facility Owner Certification, and Land Owner Certification.
2. Tanks #1 and #14 were not certified by the Professional Engineer. Please provide an explanation as to plans to decommission use of these tanks through closure or reparation to have them recertified and put back in service.
3. The copy of the Liability Insurance provided expired on 1/97. Please provide a current copy.
4. Please provide an explanation as to the discrepancy for the number of tanks actually in service and requiring certification. The P.E. Certification only covers 15 tanks, excluding 2 for defects, and on Page 29 (Appendix B) 22 tanks/process units were identified. Are they in use or not, if so, additional P.E. Certifications may be required.

* Note that all engineering aspects of the submittal must be performed, reviewed signed, and sealed by a professional engineer licensed in the state of Florida.

PERMA-FIX
ENVIRONMENTAL SERVICES
FORMERLY CLARK PROCESSING, INC.

April 25, 1997

Mr. Christopher Blanton
General Manager
Perma-Fix of Ft. Lauderdale, Inc.
3701 S.W. 47th Avenue, Suite 109
Davie, FL 33314

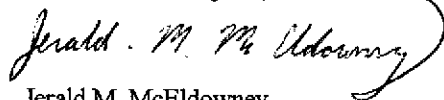
RE: Used Oil Processing Facility Permit Application

Dear Chris:

Please find enclosed three copies of Perma-Fix of Ft. Lauderdale's Used Oil Processing Facility Permit Application. Two copies, of this Application, needs to be submitted to Florida's Department of Environmental Protection, and one copy is provided for your records. Please let me know if you have any concerns or comments.

Sincerely,

Perma-Fix of Dayton, Inc.



Jerald M. McEldowney
Compliance Officer

encls.

cc: Perma-Fix of Dayton, Inc. File

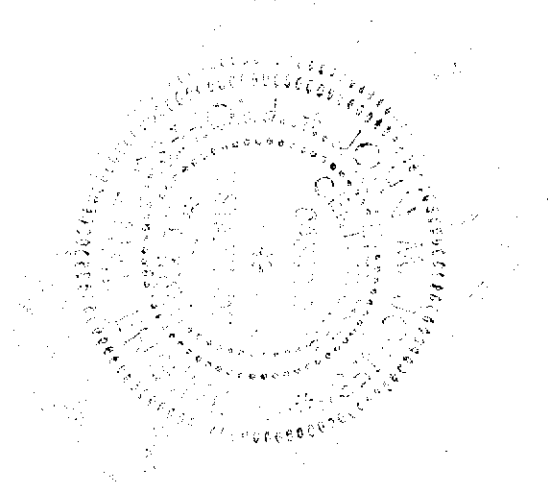
File/Application No.: HO 06-307932
Applicant Name: Perma-Fix of Ft. Lauderdale, Inc.

I hereby state that the environmental engineering features described in the referenced application and its additional information submittals, if any, provide/do not provide reasonable assurance of compliance with the applicable provisions of Chapter 403, Florida Statutes and Florida Administrative Code Title 62. The review was limited to the Rule 62-710, F.A.C. aspects of the proposed project. In addition, I have not evaluated aspects of the project outside my area of expertise (including but not limited to electrical, mechanical, and structural features).

This review was conducted by JOHN M. JONES P.E.
NAME

John M. Jones
JOHN M. JONES, P.E. (SEAL)

9/30/97
DATE



Perma-Fix of Ft. Lauderdale, Inc.
3701 SW 47th Avenue, Suite 109
Davie, FL 33314
Page 15 of 15

Permit/Cert Number: H006-307932
Project: Used Oil Processing
Facility

SPECIFIC CONDITIONS: (Continued)

DRAFT

19. Pursuant to 40 CFR 279.59, the Permittee must manage the residues generated from the storage and processing of used oil as specified in 40 CFR 279.10(e).

Issued this **DRAFT**, 1997

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DRAFT
Carlos Rivera-Aguilar
Director of District Management
Southeast District

RCRA/VK/JJ/vp



October 14, 2002

Florida Department of Environmental Protection
Hazardous Waste Section
P. O. Box 15425
West Palm Beach, FL 33416

To Whom It May Concern:

Please find enclosed a revision to our Contingency plan and Emergency Procedures. We are submitting these revisions in accordance with 40 CFR 265.53(b) of the Resource Conservation Recovery Act (RCRA). This document contains useful information about the Perma-Fix facility in Davie, Florida.

Should you have any questions or concerns, please contact John P. "Shawn" Lennon, Jr. at 954-583-3795.

Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris L. Blanton".

Christopher L. Blanton
SE Regional Vice President

facsimile
TRANSMITTAL**PERMA-FIX**
ENVIRONMENTAL SERVICESto: *JOHN C. HARRIS*fax #: *561.681.6770*re: *REVISIONS TO CONTINGENCY PLAN*date: *5-1-02*pages: *12*, including cover sheet.

From the desk of...

Perma-Fix Environmental Services, Inc.
3701 S.W. 47th Avenue #109
Davie, Florida 33314(954) 583-3795
Fax: (954) 583-8017

Facility activities: Used oil processing, wastewater treatment, and hazardous/non-hazardous waste transportation/transfer facility.

3.0 ARRANGEMENT WITH LOCAL EMERGENCY RESPONSE AGENCIES

Arrangements with authorities are established by providing the Broward County Department of Natural Resource Protection with a copy of this plan, upon request.

4.0 COPIES OF CONTINGENCY PLAN

A copy of the contingency plan and all associated revisions will be maintained at the facility, administration office, and in all licensed vehicles. Additional copies of this plan are available from the Operations Manager.

5.0 AMENDMENTS TO CONTINGENCY PLAN

This plan will be revised, if necessary, whenever:

- 1) Applicable Broward County Codes are revised;
- 2) As the result of a spill, the plan is determined to be ineffective.

In the event of revisions to this plan, a revised copy will be provided to all transport drivers and other employees with responsibilities identified in this plan. A revised copy of the plan will also be maintained at the facility and administrative office.

6.0 SPILL COORDINATOR (SC)

The following identifies the primary and secondary SC:

Primary SC

John (Shawn) P. Lennon
General Manager
(954) 583-3795 (Business)
(954) 497-7080 (Beeper)

Secondary SC

Steve Swett
Plant Manager
(954) 583-3795 (Business)
(954) 875-3435 (Beeper)

At all times, there will be at least one SC either at the facility or on call who is available to respond to an emergency by reaching the facility within a short period of time and has the responsibility for coordinating all emergency response measures. The SC will be familiar with all aspects of this plan, all operations and activities at the facility, the location and characteristic of the waste handled, the location of all records within the facility, and the facility layout. Additionally, the SC has the authority to commit resources needed to carry out this plan.

List of Agency Emergency Contacts

<u>Local Authority/Agency</u>	<u>Phone Number</u>	<u>Contact Period</u>
Davie Fire Department	911	Immediately
Davie police Department	911	Immediately
Emergency Medical Service	911	Immediately
DNRP	(954) 519-1260	24 hours
FDEP	(561) 681-6600	24 hours
Florida Bureau of Disaster and Preparedness	(800) 413-9911	24 hours
Plantation General Hospital (Primary Hospital)	(954) 587-5010	As needed
Broward General Hospital (Secondary Hospital)	(954) 355-4400	As needed
<u>Primary Emergency Coordinator</u> John (Shawn) P. Lennon General Manager	(954) 680-8950 Home (954) 583-3795 Work (954) 497-7080 Pager	
<u>Alternate Emergency Coordinator</u> Steve Swett Plant Manager	(954) 296-3871 Home (954) 583-3795 Work (954) 877-2995 Pager	

ATTACHMENT B**List of Perma-Fix Emergency Contacts****PERMA-FIX OF FT. LAUDERDALE, INC.**

The following Perma-Fix personnel (in descending order) serve as the Emergency Coordinator and Alternate Emergency Coordinators. These personnel are authorized to commit necessary resources to respond to a spill. These individuals shall be contacted in the event of a release.

Priority of Notification is in descending order as listed below.

Facility Phone: (954) 583-3795 Facility Fax: (954) 583-8017

<u>NAME</u>	<u>POSITION</u>	<u>HOME</u>	<u>PAGER</u>
Shawn Lennon	Emergency Coordinator	(954) 680-8950	(954) 497-7080
John McDonald	Alternate Coordinator	(954) 974-8313	(954) 497-7082
Steve Swett	Alternate Coordinator	(954) 296-3871	(954) 875-3435

Spill management support crew shall consist of facility operations personnel.

SPILL RESPONSE CONTRACTOR

Cliff Berry, Inc.	Point of Contact:	Mr. Jeff Smith
P.O. Box 13079	Telephone:	(954) 763-3390 or (954) 325-7415
Ft. Lauderdale, Florida 33316		(24 Hours)

Response Times: Davie = 30 minutes

The following is a list of general response guidelines the person-in-charge will implement:

A. SHUTDOWN

1. Shut-down MTRF systems to terminate flow of material by disengaging the clutch and deactivating the PTO lever, located on the vehicle. If the vessel is pumping to the MTRF, alert the vessel shall stop pumping.

B. EQUIPMENT EVALUATION

1. Check the position and condition of valves.
2. Check and replace hoses, piping, pumps, etc. (i.e., transfer system) if failed, ruptured, leaking, or damaged.
3. If tank overflows or fails, transfer remaining contents to alternate MTRF.

C. MITIGATION and PREVENTION PROCEDURES

1. Use drip pans, absorbent material, absorbent pads, and containment booms to contain and clean-up spilled material on the pier.
2. If spilled material enters the water, contain with booms and use vacuum trucks to suck up floating material while maintaining containment with booms.
3. If explosion or fire occurs within the vicinity of the MTRF, relocate the MTRF to a safe distance from the fire or explosion. If the tractor portion of the MTRF is on fire, extinguish with fire extinguishers. **If tanker portion of MTRF is on fire, evacuate the area immediately.**
4. Immediately notify the Spill Management Team Manager or Alternate Manager of location and status of the above scenarios and actions taken. Note all actions taken.
5. If the situation is not immediately controlled. Immediately contact the spill response contractor:

Cliff Berry, Inc.
Fort Lauderdale, FL

Point of Contact:

Telephone:

Mr. Jeff Smith
(954) 763-3390 (24 Hours)

Response Times:

Port of Miami = 1 Hour
Port Everglades = 0.5 Hour
Port of Dania = 1.5 Hours
Port of Palm Beach = 2.5 Hours
Port Canaveral = 4.0 Hours

A copy of the above procedures shall be maintained in each MTRF. All mitigation practices shall be conducted in accordance with Perma-Fix's Health & Safety Plan.

- b) To educate the individual concerning the proper first aid techniques relevant to fire and health hazards
- c) To instruct the individual in the proper method to assemble and disassemble various fittings, hoses, and/or appurtenances utilized in transfer procedures;
- d) To instruct the individual in the proper operation of a MTRF; and
- e) To instruct the individual in the proper method to handle emergency spill situations in the event of a release of material.

Each person who successfully completes the training program as outlined above shall be considered a "Mobile Transportation-Related Facility Operator". In addition to the training specified above, all MTRF operators shall be trained in accordance with applicable requirements of the U.S. Department Of Transportation and Environmental Protection Agency.

Training records shall be maintained for a minimum of 3 years.

Spill response contractors shall be responsible for ensuring that their personnel are adequately trained for spill response activities. Documentation of this training shall be made available to Perma-Fix upon request.

Volunteers or casual labors employed during response activities shall be trained in accordance with 29 1910.120 through Perma-Fix's health and safety program and/or through contract training vendors retained by Perma-Fix.

154.1035(e)(2)- Drills Procedures

Monthly Notification Drill [154.1055(a)(1)]

Once a month, facility personnel and qualified individuals shall conduct notification drills. The drills shall be documented and reviewed for effectiveness. Records of the drills shall be maintained for three years.

Semi-Annual Announced Deployment Drill [154.1055(a)(2)]

Perma-Fix shall conduct semi-annual announced deployment drills. Deployment drills shall be conducted during the routine servicing (i.e., transfer of oily water/bilge water) of a vessel. Records of such drills shall be maintained for three years.

Yearly Table Top Drill [154.1055(a)(3)]

Pursuant to 154.1055(e), the spill response contractor, Cliff Berry, shall conduct these drills in accordance with 154.1055(a)(3). Perma-Fix shall maintain records of the drills for three years.

Annual Unannounced Drill [154.1055(a)(4)]

Perma-Fix shall conduct an annual unannounced drill. Perma-Fix's shall activate this response plan, deploy its major response equipment, and notify its spill response contractor, Cliff Berry, Inc. If Cliff Berry, Inc. has responded to a spill within the past

APPENDIX D
Communication Plan
154.1035(g)(4)

In the event of a discharge, primary and alternate methods of communication with Perma-Fix's facility (Davie, Florida), MTRFs, and the area covered by this plan include the following:

- telephone (land lines)
- mobile telephones
- two-way radios
- beepers

APPENDIX E
Health & Safety Plan
154.1035(g)(5)

In lieu of a formal copy of Perma-Fix's Health and Safety Plan, the following identifies the categories and topics of training provide to Perma-Fix's employees:

Contents:

Introduction:	The Convincer Right-To-Know: MSDS, Hazcom Labels
Module 1:	RCRA Introduction Forklift Training, Part 1, 2, 3, & 4 Hazardous Waste Safety, Parts 1& 2 DOT Regulations: Placarding Flammable Materials Hazardous Flammable Materials Extinguishers Chemical Safety, Parts 1, 2, & 3
Module 2:	Keeping Track of Hazardous Waste Occupational Heat Stress
Module 3:	Safety/Clothing/Equipment Bonding and Grounding Lifting Safety Drum Handling Safety Drums and other Spills SCBA & Respirator Training Hazardous Waste
Module 4:	Contingency Plan & Spills Perma-Fix Contingency Plan First Aid, Parts 1, 2, & 3
Module 5:	Right-to-Know Hazardous Waste Training Protecting the Environment
Module 6:	MTRF Operations and Response Plan
Module 7:	On-The-Job Training

7.0 FINANCIAL ASSURANCE (Appendix J)**7.1 Environmental Liability Insurance**

Date of Issuance: January 1, 2002
Date of Expiration: September 1, 2002
Value: \$2,000,000 per incident
\$4,000,000 annual aggregate
Insurer: Steadfast Insurance Company

7.2 General Liability Insurance

Date of Issuance: January 1, 2002
Date of Expiration: September 1, 2002
Value: \$1,000,000 per incident;
\$2,000,000 annual aggregate;
Insurer: Zurich American Insurance Company

8.0 CONSENT ORDERS AND LITIGATION

Perma-Fix is not under a consent order or any environmental litigation.

9.0 KEY PERSONNEL

Christopher Blanton	Vice President
Shawn Lennon	General Manager
Steve Swett	Plant Manager
Kathryn Thibert	Controller
John MacDonald	Project Manager
Phillip E. Moffses	Sales Manager
Orlando Solis	Customer Service Manager

Phone Number of Local Authorities, Agencies, Etc.

<u>Local Authority/Agency</u>	<u>Phone Number</u>	<u>Contact Period</u>
Davie Fire Department	911	Immediately
Davie Police Department	911	Immediately
Emergency Medical Service	911	As Needed
DNRP	(305) 519-1260	24 hours
FDEP	(561) 681-6600	24 hours
Florida Bureau of Disaster and Preparedness	(386) 413-9911	24 hours
National Response Center	(800) 424-8802	As Needed
Plantation General Hospital (Primary Hospital)	(954) 587-5010	As Needed
Broward General Hospital (Secondary Hospital)	(954) 355-4400	As Needed
<u>Primary Emergency Coordinator</u> Shawn Lennon General Manager	(954) 680-8950 (Home) (954) 583-3795 (Business) (954) 497-7080 (Beeper)	
<u>Secondary Emergency Coordinator</u> Steve Swett Plant Manager	(954) 296-3871 (Home) (954) 875-3435 (Beeper) (954) 583-3795 (Business)	

6.0 AMENDMENTS TO CONTINGENCY PLAN

This plan will be revised, if necessary, whenever:

- 1) Applicable regulations or ordinances are revised,
- 2) The plan fails in an emergency;
- 3) The facility changes in a manner that materially increases the potential for fires, explosions, or the release of hazardous materials/waste, or changes the response necessary in an emergency;
- 4) The Emergency Coordinators change, or;
- 5) The list of emergency equipment changes.

In the event of revisions to this plan, a revised copy will be submitted to the authorities identified in Section 4.0. A revised copy of the plan will also be maintained at the facility and office.

7.0 EMERGENCY COORDINATOR (EC)

The following identifies the primary and secondary EC:

Primary EC

Shawn Lennon
General Manager
(954) 583-3795 (Business)
(954) 497-7080 (Beeper)

Secondary EC

Steve Swett
Plant Manager
(954) 583-3795 (Business)
(954) 875-3435 (Beeper)

At all times, there will be at least one EC either at the facility or on call who is available to respond to an emergency by reaching the facility within a short period of time and has the responsibility for coordinating all emergency response measures. The EC will be familiar with all aspects of this plan, all operations and activities at the facility, the location and characteristic of the waste handled, the location of all records within the facility, and the facility layout. Additionally, the EC has the authority to commit resources needed to carry out this plan.

APPENDIX A**Phone Number of Local Authorities, Agencies, Etc.**

<u>Local Authority/Agency</u>	<u>Phone Number</u>	<u>Contact Period</u>
Davie Fire Department	911	Immediately
Davie Police Department	911	Immediately
Emergency Medical Service	911	As Needed
DNRP	(954) 519-1260	24 hours
FDEP	(850) 320-0519	24 hours
Florida Bureau of Disaster and Preparedness	(850) 413-9911	24 hours
National Response Center	(800) 424-8802	As needed
Plantation General Hospital (Primary Hospital)	(954) 587-5010	As needed
Broward General Hospital (Secondary Hospital)	(954) 355-4400	As needed
<u>Primary Emergency Coordinator</u>		
Shawn Lennon	(954) 583-3795 (Business)	
General Manager	(954) 497-7080 (Beeper)	
<u>Secondary Emergency Coordinator</u>		
Steve Swett	(954) 583-3795 (Business)	
Plant Manager	(954) 875-3435 (Beeper)	

PERMA-FIX
ENVIRONMENTAL SERVICES

July 21, 1997

Mr. Vincent Peluso
Permitting Engineer
Hazardous Waste Section
Florida Department of Environmental Protection
Southeast District
PO Box 15425
West Palm Beach, Florida 33416

RECEIVED

JUL 24 1997

DEPT OF ENV PROTECTION
WEST PALM BEACH

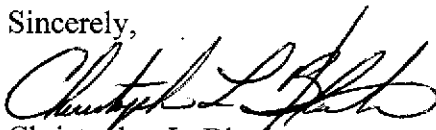
Dear Mr. Peluso:

I appreciate the opportunity I had to speak with you yesterday concerning our Used Oil Processors Permit. I believe that the information submitted along with this letter will take care of the deficiencies in the original submittal.

With regards to the tank certifications, you noted that we had all of our tanks certified except for tanks T1 and T14. During the inspection by the engineer, he found these tanks to have areas that were below minimum thickness levels. We have contacted a certified welder and he has inspected the tanks as well. These tanks are scheduled to be patched within the next few weeks and we will then have these tanks inspected and certified. Currently, we are cleaning these tanks so that they can be certified gas free in order to facilitate safe welding on these structures.

If you have any other questions or concerns, please feel free to call. I appreciate you contacting me and letting me know of these concerns.

Sincerely,



Christopher L. Blanton
General Manager

APPLICATION FORM FOR A USED OIL PROCESSING PERMIT

PART II - CERTIFICATION

TO BE COMPLETED BY ALL APPLICANTS

Form 62-710.901(a). Operator Certification

Facility Name: Perma-Fix of Ft. Lauderdale, Inc. EPA ID# FLD 981 018 773

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment or knowing violations. Further, I agree to comply with the provisions of Chapter 403, Florida Statutes, Chapter 62-710, F.A.C., and all rules and regulations of the Department of Environmental Protection.

Signature of the Operator or Authorized Representative*



Christopher L. Blanton General Manager
Name and Title (Please type or print)

Date: 4/15/97 Telephone: (954) 583-3795

* If authorized representative, attach letter of authorization.

APPLICATION FROM FOR A USED OIL PROCESSING PERMIT

PART II - CERTIFICATION

Form 62-710.901(b). Facility Owner Certification

Facility Name: Perma-Fix of Ft. Lauderdale, Inc. EPA ID# FLD 981 018 773

This is to certify that I understand this application is submitted for the purpose of obtaining a permit to construct, or operate a used oil processing facility. As the facility owner, I understand fully that the facility operator and I are jointly responsible for compliance with the provisions of Chapter 403, Florida Statutes, Chapters 62-710, F.A.C. and all rules and regulations of the Department of Environmental Protection.



Signature of the Facility Owner or Authorized Representative*

Christopher L. Blanton General Manager
Name and Title (Please type or print)

Date: 4/15/97 Telephone: (954) 583-3795

* If authorized representative, attach letter of authorization.

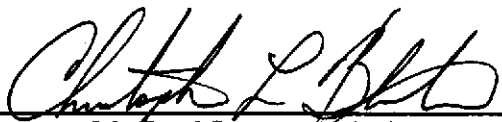
APPLICATION FROM FOR A USED OIL PROCESSING PERMIT

PART II - CERTIFICATION

Form 62-710.901(c) Land Owner Certification

Facility Name: Perma-Fix of Ft. Lauderdale, I EPA ID# FLD 981 018 773

This is to certify that I, as land owner, understand that this application is submitted for the purpose of obtaining a permit to construct, or operate a used oil processing facility on the property as described.



Signature of the Land Owner or Authorized Representative*

Christopher L. Blanton General Manager
Name and Title (Please type or print)

Date: 4/15/97 Telephone: (954) 583-3795

* If authorized representative, attach letter of authorization.

PRODUCER

Sedgwick of Florida, Inc.
P. O. Box 945155
Maitland, FL 32794-5155
407-875-5900

INSURED

Perma-Fix Environmental Services, Inc.
1940 N. W. 67th Place
Gainesville FL 32653

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

COMPANIES AFFORDING COVERAGE

COMPANY
A Commerce & Industry Ins. Co.

COMPANY
B National Union Fire Ins.

COMPANY
C

COMPANY
D

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE(MM/DD/YY)	POLICY EXPIRATION DATE(MM/DD/YY)	LIMITS				
A	GENERAL LIABILITY	GL3408679	1/01/97	1/01/98	GENERAL AGGREGATE	\$ 2000000			
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				PRODUCTS-COMP/OP AGG	\$ 1000000			
	<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				PERSONAL & ADV INJURY	\$ 1000000			
	<input type="checkbox"/> OWNER'S & CONT PROT				EACH OCCURRENCE	\$ 1000000			
					FIRE DAMAGE (Any one fire)	\$ 50000			
					MED EXP (Any one person)	\$ 5000			
A	AUTOMOBILE LIABILITY	EA5051494	1/01/97	1/01/98	COMBINED SINGLE LIMIT	\$ 1000000			
	<input checked="" type="checkbox"/> ANY AUTO				BODILY INJURY (Per person)	\$			
	<input type="checkbox"/> ALL OWNED AUTOS				BODILY INJURY (Per accident)	\$			
	<input type="checkbox"/> SCHEDULED AUTOS				PROPERTY DAMAGE	\$			
	<input checked="" type="checkbox"/> HIRED AUTOS								
	<input checked="" type="checkbox"/> NON-OWNED AUTO								
	GARAGE LIABILITY							AUTO ONLY - EA ACCIDENT	\$
	<input type="checkbox"/> ANY AUTO							OTHER THAN AUTO ONLY:	
				EACH ACCIDENT	\$				
				AGGREGATE	\$				
	EXCESS LIABILITY				EACH OCCURRENCE	\$			
	<input type="checkbox"/> UMBRELLA FORM				AGGREGATE	\$			
	<input type="checkbox"/> OTHER THAN UMBRELLA FORM								
B	WORKMAN'S COMPENSATION AND EMPLOYER'S LIABILITY	WC5716028	1/01/97	1/01/98	<input checked="" type="checkbox"/> WC STATUTORY LIMITS	<input type="checkbox"/> OTHER			
	EL EACH ACCIDENT				\$ 1000000				
	EL DISEASE - POLICY LIMIT				\$ 1000000				
	EL DISEASE - EA EMPLOYEE				\$ 1000000				
	OTHER								

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

INCLUDES PERMA-FIX OF FT. LAUDERDALE, INC.
4001 SW 47 AVENUE, SUITE 211, DAVIE, FL 33314

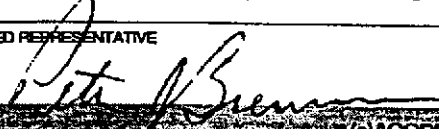
CERTIFICATE HOLDER

PERMA-FIX ENVIRONMENTAL SERVICES, INC., et al
1940 NW 67 PLACE
SUITE A
GAINESVILLE, FL 32653

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE



PRODUCER

Sedgwick of Florida, Inc.
P. O. Box 945155
Maitland, FL 32794-5155
407-875-5900

INSURED

Perma-Fix Environmental
Services, Inc.
1940 N. W. 67th Place
Gainesville FL 32653

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION
ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE
HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR
ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

COMPANIES AFFORDING COVERAGE

COMPANY

A Commerce & Industry Ins. Co.

COMPANY

B National Union Fire Ins.

COMPANY

C

COMPANY

D

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE(MM/DD/YY)	POLICY EXPIRATION DATE(MM/DD/YY)	LIMITS
A	GENERAL LIABILITY	GL3408679	1/01/97	1/01/98	GENERAL AGGREGATE \$ 2000000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				PRODUCTS-COMP/OP AGG \$ 1000000
	<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				PERSONAL & ADV INJURY \$ 1000000
	<input type="checkbox"/> OWNER'S & CONT PROT				EACH OCCURRENCE \$ 1000000
					FIRE DAMAGE (Any one fire) \$ 50000
					MED EXP (Any one person) \$ 5000
A	AUTOMOBILE LIABILITY	EA5051494	1/01/97	1/01/98	COMBINED SINGLE LIMIT \$ 1000000
	<input checked="" type="checkbox"/> ANY AUTO				BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS				BODILY INJURY (Per accident) \$
	<input type="checkbox"/> SCHEDULED AUTOS				PROPERTY DAMAGE \$
	<input checked="" type="checkbox"/> HIRED AUTOS				
	<input checked="" type="checkbox"/> NON-OWNED AUTO				
	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT \$
	<input type="checkbox"/> ANY AUTO				OTHER THAN AUTO ONLY: \$
					EACH ACCIDENT \$
					AGGREGATE \$
	EXCESS LIABILITY				EACH OCCURRENCE \$
	<input type="checkbox"/> UMBRELLA FORM				AGGREGATE \$
	<input type="checkbox"/> OTHER THAN UMBRELLA FORM				
B	WORKMAN'S COMPENSATION AND EMPLOYERS LIABILITY	WC5716028	1/01/97	1/01/98	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTH-ER
	THE PROPRIETOR/ PARTNERS/EXECUTIVE OFFICERS ARE: <input checked="" type="checkbox"/> INCL <input type="checkbox"/> EXCL				EL EACH ACCIDENT \$ 1000000
					EL DISEASE - POLICY LIMIT \$ 1000000
					EL DISEASE - EA EMPLOYEE \$ 1000000
A	OTHER	PLL8192102	1/01/97	1/01/98	\$2000000 EACH LOSS \$4000000 AGGREGATE
	POLLUTION LEGAL LIABILITY POLICY				

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

INCLUDES PERMA-FIX OF FT. LAUDERDALE, INC.
3670 SW 47 AVENUE, DAVIE, FL

CERTIFICATE HOLDER

PERMA-FIX ENVIRONMENTAL
SERVICES, INC., et al
1940 NW 67 PLACE
SUITE A
GAINESVILLE, FL 32653

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

John A. Brennan

Perma-Fix of Ft. Lauderdale, Inc.
3670 SW 47th Ave.
Davie, Florida 33314

April 15, 1997
Page 38
Rev. 0

Waste Oil Recycling Unit

Tank Number	Tank Capacity (Gal.)	Product Stored	Tank Install Date	Product Stored Code	Tank Diameter & Length	Tank Thickness	Above or Under Ground
T1	8,000	Waste Oil	Jan-89	l	8'x21.5'	3/8"	Above
T2	8,000	Waste Oil	Jan-89	l	8'x21.5'	3/8"	Above
T3	6,000	Waste Oil	Apr-89	l	8'x16'	3/8"	Above
T5	10,000	Waste Oil	Jun-87	l	10'x18'	3/8"	Above
T6	9,500	Waste Diesel	Jun-87	d	10.5'x14.6'	3/8"	Above
T8	20,000	Waste Oil and Diesel	Jun-87	l/d	10.5'x31'	3/8"	Above
T10	20,000	Waste Oil	Jun-87	l	10.5'x31'	3/8"	Above
T11	20,000	Waste Oil	Jun-87	l	10.5'x31'	3/8"	Above
T12	20,000	Waste Oil	Mar-89	l	10.5'x31'	3/8"	Above
T13	20,000	Waste Oil	Mar-89	l	10.5'x31'	3/8"	Above
T20	1,000	Truck Diesel	Feb-92	d	5.33'x6'	3/8"	Above

Product Stored Code: z - Wastewater, l - Waste Oil, d - Diesel

Wastewater Treatment Unit

Tank Number	Tank Capacity (Gal.)	Product Stored	Tank Install Date	Product Stored Code	Tank Diameter & Length	Tank Thickness	Above or Under Ground
T4	6,000	Wastewater	Apr-89	z	8'x16'	3/8"	Above
T7	10,000	Wastewater	Jan-93	z	8'x26'	3/8"	Above
T9	20,000	Wastewater	Mar-89	z	10.5'x31'	3/8"	Above
T14	20,000	Wastewater	Mar-89	z	10.5'x31'	3/8"	Above
T15	20,000	Wastewater	Apr-89	z	10.5'x31'	3/8"	Above
T16	20,000	Wastewater	Apr-89	z	10.5'x31'	3/8"	Above
T17	20,000	Wastewater	Apr-89	z	10.5'x31'	3/8"	Above
T18 or Mixer	6,500	Wastewater	Apr-89	z	8.5'x16'	3/8"	Above

Product Stored Code: z - Wastewater, l - Waste Oil, d - Diesel

PERMA-FIX
ENVIRONMENTAL SERVICES

October 23, 1997

Mr. Vincent Peluso
Permitting Engineer
Hazardous Waste Section
Florida Department of Environmental Protection
Southeast District
PO Box 15425
West Palm Beach, Florida 33416

RECEIVED
OCT 27 1997
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOUTHEAST DISTRICT

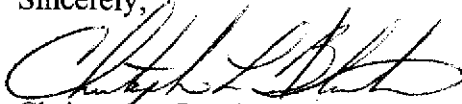
Dear Mr. Peluso:

Please accept the attached as replacement pages to our Used Oil Processor's Permit. As we discussed, clarification in the language was needed in order for it to be more descriptive. We have made those changes as we discussed on the phone and I request that you replace the old pages with the pages I am sending you.

Also, per our discussion, we are in the process of having the legal notice published as you requested even though the changes have not been replaced in the permit. As you know that changes are descriptive only and really do not change any of the processes described in the original submittal.

Please give me a call if you have any questions.

Sincerely,



Christopher L. Blanton
General Manager

PERMA-FIX
ENVIRONMENTAL SERVICES

November 3, 1997

Mr. Vincent Peluso
Permitting Engineer
Hazardous Waste Section
Florida Department of Environmental Protection
Southeast District
PO Box 15425
West Palm Beach, Florida 33416

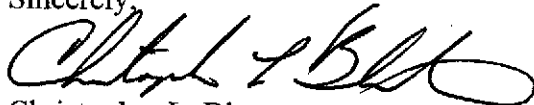
RECEIVED
NOV 7 1997
DEPT OF ENV PROTECTION
WEST PALM BEACH

Dear Mr. Peluso:

Per our discussion, I am including an original newspaper clipping from the Sun Sentinel dated November 2, 1997. The Intent to Issue was run in the legal notice section of the newspaper for that one day.

Should you have any questions or concerns, please give me a call. I look forward to completing the process and receiving the final permit.

Sincerely,



Christopher L. Blanton
General Manager

725—Sale Notices

#234 - NANCY VITALE
#282 - ROBERT
WINEGARDNER
#374 - DAMIAN
McCARTHY
#398 - BRENDA RUIZ
AND PHILIP STACK
#430 - CHARLES PAOLI
III
#659 - ERIK WOLFER
#714 - VICTOR SKIAR-
ENKO Jr.
#238 - DALE
HOLTSCLAW
#213 - JEANNE
FERGUSON
#247 - ROBERT BIEGER
#343 - JOSEPH JARVIS
#396 - JOHN
IANNARONE
#426 - SUSAN ESPIN-
OSA STEIN
#460 - NELSON
GONZALEZ
#707 - ROBERT
BRODEUR
#732 - PATRICIA
MAHONEY
Oct 26, 27 Nov 1, 2, 1997

725—Sale Notices

NOTICE

The household goods, furniture and misc. items of the following will be sold by sealed bid on 11/10/97 at 10 AM at Self Storage Inc., 1799 W. Atlantic Blvd., Pompano Bch, FL 33069.
#36 - Larry Ward
#68 - Jarvonna Walker
#132 - Larry Holder
#156 - Jerry Van Auker
#168 - Linda Vero
#295 - Sea-Air Marine
#424 - Dale T. Rhone
#476 - Phyllis J. May
#491 - Teresa L. Demunn
#536 - Tim Malecki
#543 - Darren Schagel
#561 - Kerry Newsome
#892 - Shawana Souffrant
#1079 - Lee Elder
#1174 - Gwenn Gosier
#1491 - Chris Hanson
Boat-Baschcraft F21
Serial #00070M746G
Coastal Rocket Trailer
Oct 26, Nov 2, 1997

745—Miscellaneous

745—Miscellaneous

800 REAL ESTATE FOR RENT

805-Seasonal Rentals

810-DADE COUNTY

Apts., Condos, Multi

Family For Rent

811-SOUTH BROWARD

Apts., Condos, Multi

Family For Rent

812-CENTRAL BROWARD

Apts., Condos, Multi

Family For Rent

813-NORTH BROWARD

Apts., Condos, Multi

Family For Rent

814-WEST BROWARD

Apts., Condos, Multi

Family For Rent

815-BROWARD BEACH

Apts., Condos, Multi

Family For Rent

816-PALM BEACH

Apts., Condos, Multi

Family For Rent

817-PALM BEACH

Apts., Condos, Multi

Family For Rent

819-Retirement

Communities

820-DADE COUNTY

House For Rent

821-SOUTH BROWARD

Houses For Rent

822-CENTRAL BROWARD

Houses For Rent

823-NORTH BROWARD

Houses For Rent

824-WEST BROWARD

Houses For Rent

825-BROWARD BEACH

Area Houses For Rent

826-PALM BEACH

COUNTY

Houses For Rent

827-PALM BEACH

COUNTY

Beach Area Houses

For Rent

830-Rooms For Rent*

832-Rentals To Share*

834-Out of Area Rentals

836-Wanted To Rent

Residential

850-Commercial-Income

Property For Rent

851-Stores For Rent

852-Warehouses/Industrial

For Rent

853-Offices/Office

Service For Rent

854-Mini Lockers-Storage

For Rent

856-Wanted To Rent

Stores, Offices

& Warehouses

858-Wanted To Rent

Commercial-Income

Property

890-Service To Renters

Apartments-Houses

FAIR HOUSING NOTICE

All real estate advertised herein is subject to the Federal Fair Housing Act, which makes it illegal to advertise any preference, limitation or discrimination based on race, color, age, religion, national origin, sex, handicap, familial status, or the intention to make any such preferences, limitation, or discrimination.

The Sun-Sentinel will not knowingly accept any advertising for real estate which is in violation of the law. All persons are hereby informed that all dwellings advertised are available on an equal opportunity basis.

If you believe that you may have been discriminated against in connection with the sale, rental or financing of housing, call the United States Department of Housing & Urban Development (HUD) at 1-800-368-7777 in Palm Beach call 361-355-4885.



EQUAL HOUSING OPPORTUNITY

805-Seasonal Rentals

ATA - Deerfield Park 50

yds.Short-term special! Mo

rental apt. 954-427-0525

BOCA/DEER CK - 2/2 furn.

tennis/golf. Short term.

AT/Owner 561-393-7028

BOCA - Walk to golf, 3/2,

pool, alarm, tile, furn \$3200

mo. Dec-Mar 561-866-5470

CORAL SPGS - Tara Gar-

den 1 blk W of Univ on

Atlantic. Furn condos wk/

mo 1/15-2/2 954-341-4477

GREENFIELD - 2/2 Twineh,

Seasonal \$1650/mo. Keyes

Co 1-800-400-8088

GELRAY - 2/2 villa, ICW,

seasonal, furn, \$3500

Luxury Hms 561-395-3420

ORFLE NE - Lovely Apt

Hms 2/1, 1/1, Nr all ill

1/1 \$800/ee. 954-428-7327

FT LAUD - 2/1 furn, beach

area, \$1200/mo. Member-

ship Rtry. 954-424-8533

FT LAUD - Builders Model

New & Secluded Decorator

Designed 4/3 Ask For

Lou 954-583-5396

FT LAUD NE - 2/1, lg.,

clean, furn, \$1500/mo.

beach 2 mi 954-564-4580

FT LAUD - The Landing,

5/4 totally remod, tur,

100' water, \$6500 mo

954-585-9403

GALT OCEAN MILE - 1-2-3

Br luxury seasonal rentals,

Ocean. Call Phyllis 364-

811—SOUTH BROWARD Apts., Condos, Multi Family For Rent

BRWD/HWD - Rm/Office

1-BEDRM/condo \$98 WK.

Pool, a/c, w/d, access from

golf course. 954-925-2710

COOPER CITY - 3-3 BRs

from \$900, No fee, Century

21 Prospect 954-475-4343

DANIA - 1BR \$450 mo.

part vill incl. Ft Laud. 1BR

\$500/mo. Costa Prmp 954-

759-9120

DANIA - 1BR \$500, w/furn

\$425, 36 SW 15 St. 954-

437-0939, 954-680-8632

DANIA - 2/1 & 1/1 remod-

ed, 3265 Griffin Rd. 954-

954-4145, 954-684-9975

DANIA - 2/1 duplex, w/furn

assist on sec dep. Lipscate

area. \$335, 954-467-1794

DANIA - 2/1 Duplex \$695

Avalil 11/15 954-797-8293

DANIA - E US1, efficiency

\$125-\$150/wk. No sec/dep

clean & quiet 954-923-5385

DANIA/HWD - off E. pr US1

1 tile, nr bch \$335 incl

appt vill incl 954-923-5555

DANIA/HWD - LG 1 BR

cent a/c, nr I-95 \$450.

954-523-6423 BR, Brw.

DANIA - Plaza 1 BR \$335.

954-738-0709

DANIA - 5m 2/1 duplex,

cent air, carpeting

\$525/mo. 954-993-6870

DANIA - Super Clean 1/1

tile, vert patio \$575, Studio

\$430, 1/1 tile vert patio

\$550, Hwd 1/1, tile,

954-925-2187

DAVIS - 100% all new

1/1, 2/2 lakeview, pet ok

954-989-2900 RENT FREE

DAVIS - 2/1 \$125/wk, 1/1

\$100/wk. 954-753-

1420/954-648-4912

DAVIS - 2/2, cent a/c,

w/d, pool, pet ok, 5cr

prch, 5lg wk 954-797-0012

DAVIS - 3/2 dup, a/c, w/d

bbq/pk, furn yd, pet ok,

\$700. Call 954-433-3512

DAVIS CAMARD APTS -

2/1, 2/1 1/2, 2/2 No-pets 200

Last Month. 954-792-1922

DAVIS

CONQUISTADOR APTS

ASK ABOUT OUR SPECIAL

Avalil now \$350, 2 & 3 BRs

Starting at \$130 mo. \$500

& move in. 954-433-7822

DAVIS - Immac 2br & 1oft

tennis. \$850/mo. All Brw

Rtry. 954-327-4370

DAVIS - 2/2 1/1, TH post

tennis all appl incl no

pet \$750 954-587-2664

DAVIS - Now accepting

applications for Sec 8 apts

in Davis. 954-437-6110

EAST HOLLYWOOD - 1/1

ocean view Apt. \$585 M

954-989-2900 RENT FREE

E HOLMD - Beautiful 1/1,

carpet tile, cent air \$525

HOME FREE 954-921-4441

E HOLLYWOOD - 1/1 2/2

255 Sec oceanfront unit

954-989-2900 RENT FREE

EMERALD HILLS AREA

1 Bedrooms 1 Baths

\$499 Moves You In!

2 Bedrooms 2 Baths

\$599 Moves You In!

WHILE THEY LAST!!!

EMERALD HILLS APTS

Trust quality

FT LAUD - 1/1, pool,

\$535, 5975 SW 40 Ave,

A11 954-958-4145

FT LAUD - 2/2, Pool & air,

Kids ok-no pets \$550, 954-

544-2550, 954-881-3169

FT LAUD - Eric w/full kit

& bath \$500/mo incl incl

Dent/Fed 954-487-9334

HALLANDALE - E of US-1

1-Bdrm apt \$440/mo. 954-

455-6009, 954-925-4372

HMDL - 2/2 villa, fenced,

very clean, nr beach \$750

HOME FREE 954-921-4441

HMDL - Lg lake front, eff.

clean, quiet, no pets.

F/L/S. \$425, 954-255-5775

HMDL SE - Nice area, 1br

\$450, 2br \$500, 3br/2bdr

sec owner. Spr 954-1643

HOLLYWOOD - 1/1 effi-

ciency, furn, TV, cable

post. Call 954-920-2815.

HOLLYWOOD - 1/1, effi &

laundry. Furn. incl. \$555.

\$60/wk & up 954-981-5025

HOLLYWOOD - 1/1, new

bldg, sec loc, \$445 mo 954-

987-2114 954-983-7925

HOLLYWOOD - 1 Bdr/m

Large Apt \$505/mo. Sec-

tion 8 ok. 954-961-6744

HOLLYWOOD - 2/1 furn,

Large, clean, quiet, pool

No pets. 954-921-0151

HOLLYWOOD - 2/2 2

masters pool pet ok, \$99 sec

954-989-2900 RENT FREE

HOLLYWOOD - 2/2 ocean-

view, 2 masters \$645 M-L.

954-989-2900 RENT FREE

HOLLYWOOD

e \$300 Moves You In!

e.g. 2br/Studio Apts

TAYLOR PLAZA/954-958-9213

HOLLYWOOD/CENTRAL -

2/1 \$400, 2225 Madison

St. F/S. 954-925-1830

HOLLYWOOD - MODERN

CLEAN 2 BEDRM FROM

\$450/mo FREE COLOR TV

WITH LEASE 954-920-1021

HOLLYWOOD

e Newly renovated

e Large appliances

e New Appliances

e Pool

e Security Door Entrance

e Furnished or Unfurnished

September 8, 1997

Mr. Chris Blanton, General Manager
Perma-Fix of Ft. Lauderdale, Inc.
3701 SW 47th Avenue, Suite 109
Davie, FL 33314

RECEIVED
SEP 29 1997
DEPT OF ENV PROTECTION
WEST PALM BEACH

Re: Amendment to Certification of the Used Oil Processing Facility Permit Application
for the Perma-Fix of Ft. Lauderdale Facility

Dear Mr. Blanton:

As a Professional Engineer registered in the State of Florida, I certified the Used Oil Processing Facility Permit Application for the Perma-Fix of Ft. Lauderdale facility located in Davie, Florida. As noted in my certification letter dated June 12, 1997, my original certification restricted further use of tanks #1 and #14 until appropriate repairs were completed to correct physical deficiencies.

On August 13, 1997 Simon's Welding Company of Miami, Florida reportedly repaired tank #14. The following evidence of such repairs has been forwarded for my review:

1. Reviewed Form R-1, Report of Welded Repairs as required by the provisions of the National Board of Inspection Code. The form included a construction certification, which certified that the statements made in the report are correct and that all construction and workmanship on this repair conform to the National Board Inspection Code.
2. Reviewed form entitled "Traveler" that detailed specific information about materials used in the repair and preparation of surfaces being repaired. In addition, the form included the signature of the professional completing the repairs.
3. Reviewed the American Society of Mechanical Engineers Certificate of Authorization, that authorized Simon's Welding Company of Miami, Florida to use their symbol when constructing or repairing Power Boilers at their Miami address and at field sites. Dated January 10, 1995 and expires March 7, 1998.
4. Reviewed the American Society of Mechanical Engineers Certificate of Authorization, that authorized Simon's Welding Company of Miami, Florida to use their symbol when constructing or repairing Pressure Vessels at their Miami address and at field sites. Dated January 10, 1995 and expires March 7, 1998.
5. Reviewed the Certificate of Authorization issued to Simon's Welding Company by the National Board of Boiler and Pressure Vessel Inspectors, that authorizes Simon's Welding to use their repair symbol. Dated February 3, 1995 and expires February 13, 1998.
6. Reviewed photographs that clearly illustrate the physical repairs completed on tank #14.

Amendment to Certification
Used Oil Processing Facility Permit Application
Perma-Fix of Ft. Lauderdale
September 8, 1997

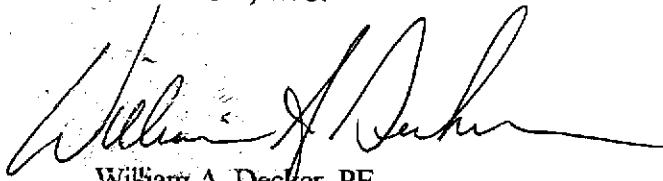
Upon completing the review of the above listed references, I contacted Mr. Gustavo Pericich of the Simon's Welding Company to gain additional in-sight to the nature of repairs completed on tank #14. Mr. Pericich stated that he personally performed the repairs on tank #14 and signed the forms identified in items #1 and #2 identified above.

Based upon my review of the above listed references and my subsequent conversation with Mr. Pericich, I hereby amend my original certification of the Used Oil Processing Permit Application for the Perma-Fix Facility in Davie, Florida, to allow the use of tank #14. Tank #1 shall continue to remain out-of-service until appropriate repairs are completed. At which time that necessary repairs are completed and certified by the qualified professionals performing the repairs, and upon my review of the supporting documentation, the scope of this certification can be further expanded to allow the use of tank #1.

Copy of this letter should be attached to the certification form contained in the Used Oil Processing Facility Permit Application for the Perma-Fix of Ft. Lauderdale, Inc. facility in Davie, Florida.

Sincerely,

MINTECH, INC.

A handwritten signature in dark ink, appearing to read 'William A. Decker', is written over a horizontal line.

William A. Decker, PE
Regional Manager
Registration No. PE 0050878

PERMA-FIX
ENVIRONMENTAL SERVICES

June 17, 1997

Mr. John M. Jones, P.E.
Supervisor
Hazardous Waste
State of Florida Department of Environmental Protection
Southeast District
400 North Congress Avenue
West Palm Beach, Florida 33401

RECEIVED

JUN 18 1997

DEPT OF ENVIRONMENTAL PROTECTION
WEST PALM BEACH

OVERNIGHT MAIL

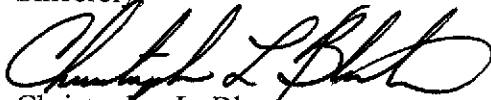
RE: USED OIL PROCESSORS PERMIT

Dear Mr. Jones:

Please find enclosed an original and a copy of Perma-Fix of Ft. Lauderdale, Inc.'s Used Oil Processors Permit. Also, please find a check in the amount of \$2,000.00 for the application fee.

Should you have any questions or concerns, please contact me at your convenience.

Sincerely,



Christopher L. Blanton
General Manager



Lawton Chiles
Governor

Florida Department of Environmental Protection

Southeast District
P.O. Box 15425
West Palm Beach, Florida 33416

Virginia B. Wetherell
Secretary

PERMIT DATA FORM

PROJECT SOURCE NAME

Perma Fix of Ft. Lauderdale, Inc.

Type Code H0

Subcode 06

Check If: GP Exempt

Correct Fee 2,000.00

Amount Received 2,000.00

Amount Refund 2

Permit Processor's Initial W

Data Entry Operator's Initial BJ

Comments

H0 06-307932

PERMA FIX
ENVIRONMENTAL SERVICES

PERMA-FIX OF FT. LAUDERDALE, INC.

3701 S.W. 47TH AVE., SUITE 109 DAVIE, FL 33314
BROWARD (954) 583-3795 FAX (954) 583-8017
TOLL FREE (800) 959-9543

FIRST UNION NATIONAL BANK OF FLORIDA

DAVIE, FL 33314
63-643/670

CHECK

9392

CHECK DATE

6/17/97

CONTROL NO.

9392

AMOUNT

\$2000.00

151359

AY Two Thousand and 00/100 Dollars*****

THE
DER Florida Department of Environmental Protection
400 North Congress Avenue
West Palm Beach, Florida 33401

Charles L. B...
Kathryn A. Libert

AUTHORIZED SIGNATURE

009392

AREA: SED

Cash Receiving Application
Collection Point Log Remittance

CRAF006A

Tot: \$2,000.00

SYSSREMT: 190293 Type: CP Recvd Date: 18-JUN-1997 Status: RECEIVED
SYSSRCPT: 151359 PNR: Check #: 9392 Amount: 2,000.00
SSN/FEI#: Name: PERMA FIX ENVIRONMENTAL SERVIC
First: Middle: Title: Suf:
Address1: Short Comments:
Address2: 3701 SW 47TH AVENUE, STE. 109 PERMA-FIX/FT.LAUDERDALE
City: DAVIE ST: FL Zip: 33314- Country:

> P A Y M E N T (S) <

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195687	SED	002234 HAZAR/WASTE-OPE	\$2,000.00	HO06307932	PA PFTF	CO

COMMIT FREQUENTLY

\$2,000.00 Payment total

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Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

December 2, 2002

David B. Struhs
Secretary

CERTIFIED - RETURN RECEIPT

7000 0520 0021 3377 1756

Mr. Shawn Lennon, Jr., General Manager
Perma-Fix of Ft. Lauderdale, Inc.
3701 SW 47th Avenue, Suite 109
Davie, Florida 33314

RECEIVED
DEC 10 2002
DEPT OF ENV PROTECTION
WEST PALM BEACH

Re: Perma-Fix of Ft. Lauderdale, Inc. / EPA I.D. Number FLD 981 018 773
Used Oil Processing Facility Permit Renewal Application dated October 23, 2002 and
received on October 29, 2002 for a Processing Facility in Broward County

Dear Mr. Lennon:

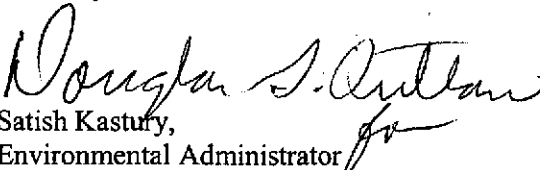
The Florida Department of Environmental Protection (Department) is in receipt of your application for an operating permit renewal for the referenced facility dated October 23, 2002.

A review of the above submittal shows that it is incomplete. Please provide the information requested in the attached summary. In preparing your response, the Department recommends that you identify each comment followed by your response and also provide your revised pages of the application. The revised pages are to include the new revision date.

Further action on processing of your application is temporarily held in abeyance pending receipt of your complete response. Please submit three (3) copies of your written response within 30 days of receipt of this notice. If you cannot submit this information within 30 days, you must formally request an extension and provide a schedule, with dates, indicating when this information will be submitted.

Should you like to arrange a meeting or if you have any questions, please contact Bill Parker at 850-245-8707.

Sincerely,


Satish Kastury,
Environmental Administrator
Hazardous Waste Regulation

SK/bpp

Attachment

cc: John Harris, FDEP - West Palm Beach
Rick Neves, FDEP - Tallahassee
Franklin Maddox, PE - Fenton, MO

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

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Perma-Fix of Ft. Lauderdale, Inc., Davie
EPA I.D. No. FLD 981 018 773
First Notice of Deficiency
ATTACHMENT

1. Part I, B1, Page 9
 Site Information

By interpolation, the Latitude is 26° 04' 37" and the Longitude is 80° 12' 36". Also by interpolation, the UTM is 17 578992E 2884264N. Please verify and revise both applications as appropriate.
2. Part II, Cert.
 Letter Dated
 October 23, 2002

The Certification lists a tank named "Mixer" and tanks numbered 1 through 17 plus numbers 20 and 21. The drawings provided identify the location of tanks 8 through 17. Please verify the Certification and drawings and provide the location of all tanks within the facility, as appropriate.

The provisions of Rule 62-762, F.A.C., have been consolidated into Rule 62-761, F.A.C. Please revise as appropriate.
3. Section 3
 Process Description

Subpart E should refer to 62-761, F.A.C.

Subpart H states that off-specification used oil is not shipped to any used oil burners. Please describe how off-specification oil is managed.

Subpart H states that used oil analysis records are maintained for three years. 40 CFR 279.57 requires that used oil analysis records be maintained until closure of the facility. Please revise as appropriate.
4. Section 4, App. C

The maps provided are dated 12/3/92 and poorly reproduced. Please provide current, legible maps.
5. Attachment C

In Subsection 2.3.1.2, please add that oil filters are subject to regulation under Chapter 62-710, F.A.C.

In Subsection 2.3.3, please explain how the samples submitted for laboratory analysis are representative of the loads being shipped.

In Section 7.0, please state if antifreeze and coolants are recycled on site, sent elsewhere for recycling, or disposed. If this material is disposed, additional analysis is required.

In Section 10.0, please state that leaking batteries will be managed as D008 as well as D002.

On page 7, please note that permit modification may be required before transportation and/or treatment of some materials.

6. Attachment F
Preparedness and
Prevention Plan
- The facility map containing the location of the Emergency Equipment was not found in the application. Please provide this map.
7. Attachment G
Contingency Plan
And Emergency
Procedures
- The Contingency Plan, Spill Contingency Plan and Preparedness and Prevention Plan all have item numbers in common. Please number the pages, split the section or make other changes to avoid confusion.
- Contingency Plan and Emergency Procedures: In Item 8.2, the FDEP Southeast District office must be notified by the next business day. This phone is not answered outside of normal business hours. The "Florida Bureau of Disaster and Preparedness" is now the "State Warning Point" and must be contacted immediately when the emergency plan is activated. Please revise as appropriate.
- Please provide the non-emergency phone numbers for the Davie Fire Department, the Davie Police Department and Emergency Medical Services.
- Spill Contingency Plan: Section 8.0, Subsections 7.1 and 7.2, please specify that the action threshold of 25 gallons does not apply to hazardous material and that smaller spills will be cleaned up.
- Preparedness and Prevention Plan: Appendix B: The Daily Inspection log was not included in the application. Please provide the log form.
8. Attachment H
Unit Management
Description
- The Unit Management Description refers to Figure 1 at Tab K. Tab K is missing from the application. Please provide the pages that should be at Tab K.
- The Waste Processing description does not indicate that the oil filters are crushed at the facility. Please verify and revise as appropriate.
- The provisions of Rule 62-762, F.A.C., have been consolidated into Rule 62-761, F.A.C. Please revise as appropriate.
- The volume calculations of the secondary containment areas are not provided. Please verify and provide these calculations.



Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

March 18, 2002

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MAR 22 2002

DEPT OF ENV PROTECTION
WEST PALM BEACH

David B. Struhs
Secretary

Mr. Christopher L. Blanton
Perma-Fix of Ft. Lauderdale
3701 SW 47th Avenue, Suite 109
Davie, Florida 33314

Subject: Final RCRA Facility Assessment Report
FLD 981 018 773

Dear Mr. Blanton:

The Department has completed a review of the additional information provided in your letter of April 5, 2001 and in your memorandum of May 22, 2001 regarding the RCRA Facility Assessment Report (RFA) for the Perma-Fix of Ft. Lauderdale site. The information and data included with the submittals is sufficient for the Department to change the recommendation for Solid Waste Management Units No. 1 and No. 4 from Confirmatory Sampling Required and RCRA Facility Investigation Required to No Further Action Required for each unit. The change in recommendation for the two units is incorporated in the enclosed Memorandum for Record. The RFA is considered complete and all Solid Waste Management Units have been recommended for No Further Action.

If you have any questions, please contact Doug Outlaw at (850) 921-9259.

Sincerely,

Satish Kastury
Environmental Administrator
Hazardous Waste Regulation

SKDO/kt

Enclosure

cc: Doug McCurry, EPA/Region 4
John Harris, FDEP/West Palm Beach

MEMORANDUM FOR RECORD

TO: File

FROM: Douglas G. Outlaw *DGO* 3/18/2002
Professional Engineer III
Hazardous Waste Regulation Section

SUBJECT: Completion of the RCRA Facility Assessment Report for
Perma-Fix Environmental Services of Ft. Lauderdale dated February 2001,
FLD 981 018 773

DATE: March 18, 2002

The Department prepared a RCRA Facility Assessment (RFA) Report for Perma-Fix Environmental Services of Ft. Lauderdale dated February 2001. Twelve Solid Waste Management Units (SWMUs) and one Area of Concern (AOC) were identified at the facility as a result of the preliminary review and visual site inspection. The location of all SWMUs and one AOC are identified in Figure 2 of the RFA report and are included in this memorandum as Attachment 1. The RFA Report recommended confirmatory sampling of the groundwater for the Retention Pond, SWMU No. 4, and a RCRA Facility Investigation (RFI) was recommended for the Spill Area, SWMU No. 1. No Further Action (NFA) was recommended for all other SWMUs.

Additional Sampling Information provided by the Facility for the Retention Pond:

Background

The Retention Pond is located in the southwest corner of the property and is designed to accommodate a 3-year, 1-hour rainfall. The pond is 111 feet long, 61 feet wide and about 2 feet deep and holds approximately 12,000 cubic feet of stormwater. Historically, stormwater from the paved parking lot west of the tank farm and the concrete entrance driveway drained into the Retention Pond. The RFA Report stated that the stormwater draining into the pond might have been contaminated with petroleum products and a tire

stack. Confirmatory sampling in monitoring wells installed around the pond was recommended.

Sampling Results for the Retention Pond

The facility (References 1 and 2) submitted additional groundwater data sampling results collected during eight sampling events during the period from March 1997 to May 1999 from the four monitoring wells, designated as EMW-1 through EMW-4 on Attachment 2. EMW-1 is located near the southeast corner of the facility near the Storage Tank Farm, SWMU No. 2. Monitor wells EMW-2, 3 and 4 are located near the pond. The laboratory data sheets submitted in Reference 2 and show that all constituents including Petroleum Contaminants of Concern in SW-846 Methods 8021 and 8270C were reported as Below Detection Limit.

Recommendation

Based on the lack of any detection of pollutant constituents during the confirmatory sampling conducted for the four groundwater monitoring wells, the recommendation for the Retention Pond is changed from confirmatory sampling to NFA.

Additional Sampling Information provided by the Facility for the Spill Area, SWMU No. 1:

Background

The impacted spill area encompassed an area approximately 600 feet in length by 50 feet in width and is located on the eastern side of the facility as indicated on Attachment 1. Following the spill from the Storage Tank Farm, SWMU No. 2, contaminated soils were excavated and replaced with fill materials. The facility installed groundwater monitoring wells in the spill area for assessment of groundwater contamination. An RFI was recommended in the RFA Report for the spill area because review of the analytical data available at the time of the VSI and preparation of the Report, the Contamination Assessment Report indicated the presence of petroleum/used oil constituents and, in addition, a plume of vinyl chloride in the shallow aquifer. Vinyl chloride was found at seven groundwater monitoring wells with the highest concentration, 177 ug/L, found at monitoring well ATWM-7. Free product observed during the sampling in monitoring well ATWM-7 and free product/groundwater recovery activities were conducted in the well.

As a part of an investigation of the Florida Petroleum Processors Superfund site, located northwest of the Perma-Fix site, several monitoring wells were sampled and analyzed for volatile organic compounds by the US EPA on May 1, 1997 at Perma-Fix. Monitor well ATMW-6 had a reported vinyl chloride concentration of 19 ug/L (Reference 2). Monitor well ATMW-7 was not sampled because of the free product still present.

The facility then installed four additional shallow monitoring wells, a deep groundwater monitoring well, ATMW-8D, and a five-inch groundwater recovery well, ATMW-13. The newly installed groundwater monitoring wells are immediately upgradient, downgradient and side gradient to the monitoring well with the maximum vinyl chloride concentration, ATWM-7. Additional sampling to delineate the extent of the remaining groundwater contamination was conducted by the facility in October 1997 in the groundwater monitoring wells. Results of the additional assessment were submitted by the facility to the Broward County Department of Natural Resource Protection in an addendum report to the Contaminant Assessment Report dated October 1997. Shallow aquifer sampling well locations and summary of the groundwater monitoring results are included in Appendix F of the RFA Report. Well locations sampled for the addendum to the contaminant assessment report are shown on Attachment 2.

Sampling Results for the Spill Area

All constituents included in the analysis, with the exception of Methyl-Tert-Butyl-Ether (MTBE) for the groundwater monitoring wells were below detection limit. MTBE concentrations, a maximum of 3.68 ug/L, were below site rehabilitation levels. The facility was then required by the Broward County Department of Natural Resource Protection to monitor well EMW-1 quarterly for a year.

Recommendation

Based on the lack of any detection of pollutant constituents during the groundwater sampling conducted for three existing wells and five new groundwater monitoring wells including the wells installed in the apparent source area, the recommendation for the Spill Area is changed from RFI Required to NFA.

Summary:

The confirmatory groundwater sampling conducted by the facility for the Retention Pond indicates the groundwater is not contaminated. Further assessment is not required and the recommendation for the unit is changed to NFA.

The additional groundwater sampling conducted in both new and existing groundwater monitoring wells for assessment of the vinyl chloride plume near the Spill Area indicates that the concentrations have decreased below the detection limit and would meet groundwater cleanup target levels. Further assessment is not required and the recommendation for the unit is changed to NFA.

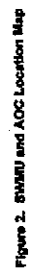
With these two changes, the RFA for the facility is complete.

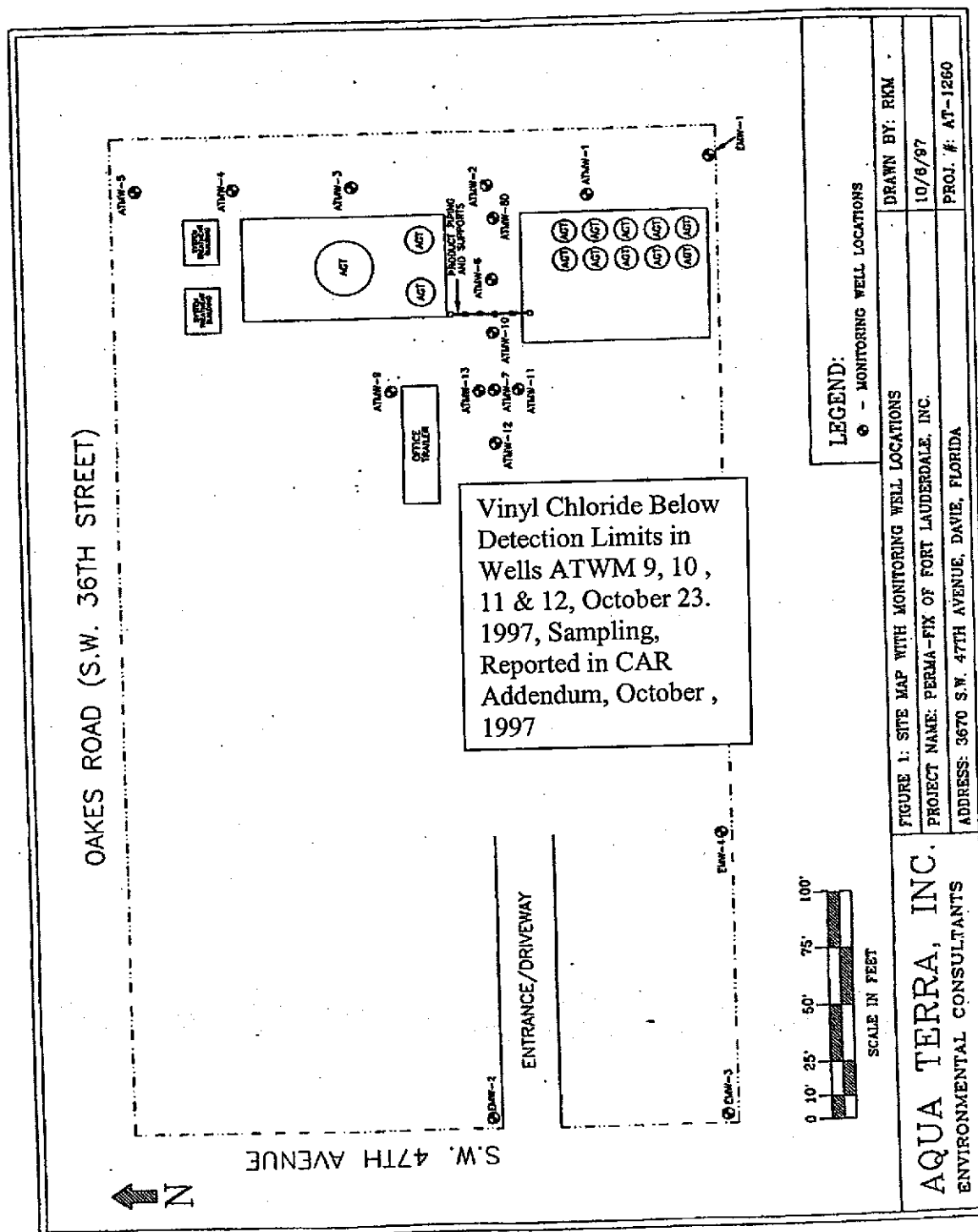
Memorandum for Record
March 18, 2002
Page 4 of 6

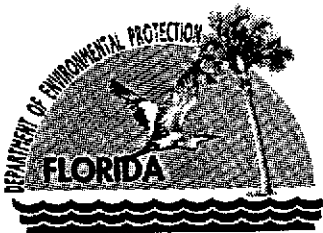
References:

1. Perma-Fix Letter to the Department, Subject: **Final RCRA Facility Assessment Report** dated April 5, 2001.
2. Perma-Fix Memorandum to the Department, Subject: **Supplemental Information** dated May 22, 2001.

Cc: John Harris, FDEP/West Palm Beach







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Department of Environmental Protection

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2600 Blair Stone Road
Tallahassee, Florida 32399-2400

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NOV 09 2001

DEPT OF ENV PROTECTION
WEST PALM BEACH

David B. Struhs
Secretary

November 5, 2001

Mr. Christopher Blanton
Perma-Fix Environmental Services of Ft. Lauderdale
3701 SW 47th Avenue, Suite 109
Davie, FL 33314

RE: Transfer Facility Construction Drawings
Perma-Fix Environmental Services of Ft. Lauderdale
FLD 981 018 773

Dear Mr. Blanton:

The Department has reviewed the engineering drawings for the construction of an enclosed building for your transfer facility. The engineering drawings comply with the requirement from the workshop draft of the ECP Rule (62-730.186, F.A.C.) that stipulates that storage at transfer facilities is required to be in an enclosed building. These updated drawings satisfy the comments presented by the Department in the letter dated April 6, 2000.

The Department would like to point out that there are other engineering and operational standards listed in the workshop draft of the ECP Rule (62-730.186, F.A.C.) which your facility will need to consider once the final rule is promulgated. During the compliance period, your facility may implement those requirements or opt to demonstrate that either engineering or operational standard(s) are not necessary based on site-specific factors. The Department's comments are limited only to the engineering features shown in the drawings provided to the Department.

If you have any further questions please contact Harold Register at (850) 488-0300.

Sincerely,

Satish Kastury, Administrator
Hazardous Waste Regulation

SK/hdr

Cc: Didier Dupuy, Broward County Environmental
Vik Kamath, FDEP Southeast District

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Department of Environmental Protection

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Governor

Twin Towers Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

David B. Struhs
Secretary

April 6, 2000

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APR 11 2000

DEPT OF ENV PROTECTION
WEST PALM BEACH

Christopher L. Blanton
Vice President/General Manager
Perma-Fix Environmental Services
3701 SW Avenue, Suite 109
Davie, Florida 33314

RE: Off-Site Consequence Analysis, Hazardous Waste Transfer Facility Addition

Dear Mr. Blanton,

The Tallahassee Office of the Florida Department of Environmental Protection received your letter dated November 14, 2000 from the Southeast District Office for review. The letter described the operation of your existing unenclosed hazardous waste transfer facility and provided the plans for the construction of a prefabricated metal building to replace the existing facility and the analysis of air modeling results for a mineral spirits release. The analysis was included to demonstrate that the building and proposed expansion in storage capacity from 90 drums (55 gal per drum) to 300 drums (55 gal per drum) would not be considered a significant modification as defined in Chapter 403.7211, Florida Statutes. However, the analysis submitted with your letter did not consider all waste that may be managed at the facility.

In a second letter to the Southwest District Office, dated February 29, 2000, you provided additional justification that the proposed building and capacity expansion should not be considered a significant modification because:

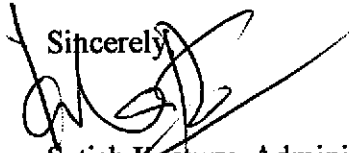
- a. The building would reduce the impact of a release from spill, leak, or other emission up to 90 percent due to the reduction in evaporation rate inside the building and the resistance to the discharge of contaminated air to the ambient air outside the building.
- b. The enclosed building would prevent the occurrence of a ground level release in the event of a fire.

The Department agrees with the facility that the mitigating effect of an enclosed building will result in a reduction of risk during operation of the facility. However, the construction of the structure proposed by the facility does not meet the definition of an enclosed building according to the Risk Management Plan Guidance for Off-Site Consequence Analysis (U.S. EPA, April 1999). The Department agrees that if the facility were to build an enclosed building that the construction of that building and the proposed expansion from a capacity of 80 drums (4,950 gal) to 300 drums (16,500 gal) would not be considered a significant modification.

Letter to Mr. Blanton
April 6, 2000
Page Two

Before the Department can concur with Perma Fix that the construction of the prefabricated metal building and increase in capacity would not be considered a significant modification, Perma Fix must submit revised design drawings for an enclosed building. If you need any additional information, please contact Harold Register or Doug Outlaw of my staff at 850/488-0300.

Sincerely,



Satish Kastury, Administrator
Hazardous Waste Regulation

SK/hdr

Cc: [Redacted], DEP / Southeast District
Doug Outlaw, DEP / HWR

PERMA-FIX
ENVIRONMENTAL SERVICES

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JUN 15 2000

DEPT OF ENV PROTECTION
WEST PALM BEACH

June 12, 2000

Mr. Jim Ayers
Hazardous Waste Permitting Section
Florida Department of Environmental Protection
P.O. Box 15425
West Palm Beach, FL 33416

RE: Perma-Fix Environmental Services Transfer Facility RCRA Permit

Dear Mr. Ayers:

The other day you and I discussed the possibility of the State of Florida requiring a RCRA Part B permit for the operation of a 10-day transfer facility. That being said, we currently have one problem.

The State of Florida has requested that Perma-Fix of Ft. Lauderdale, Inc. terminate the RCRA Part A currently still in effect at the facility, even though the facility never operated under this exception. Perma-Fix of Ft. Lauderdale, Inc. is currently willing to do this, but then we would have to apply for the RCRA Part B to continue to operate our 10-day transfer area.

I have discussed this problem with you and you have indicated to me that I should not continue until we get clarification on this issue from FDEP. Please grant Perma-Fix of Ft. Lauderdale, Inc. an extension until this issue is resolved by the FDEP. I am having problems justifying closing the Part A and then opening up another Part B to satisfy the 10-day transfer facility requirement.

Please contact me as soon as possible to discuss whether the extension will be granted. I can be reached at 800-959-9543.

Sincerely,



Christopher L. Blanton
Vice President/Southeast Operations
Perma-Fix Environmental Services, Inc.

PERMA-FIX
ENVIRONMENTAL SERVICES

February 29, 2000

RECEIVED

MAR - 8 2000

DEPT OF ENV PROTECTION
WEST PALM BEACH

Mr. Jim Ayers
Hazardous Waste Permitting Section
Florida Department of Environmental Protection
P.O. Box 15425
West Palm Beach, FL 33416

RE: Perma-Fix Environmental Services Transfer Facility

Dear Mr. Ayers:

Per previous conversations with you and Mr. Douglas Outlaw (Hazardous Waste Permitting, Tallahassee), this letter is intended to document the logic used by Perma-Fix to substantiate its conclusion that the addition of a building to house drums stored in its 10-day storage area does not constitute a Major Modification to its operation. Reference is made to the Guidance Documents for the Off Site Consequence Analysis. Pertinent pages of the document are attached for your review.

As noted in my letter to Mr. Vivek Kamath dated September, 1999, Perma-Fix intends to erect a storage building with numerous safeguards and control systems to minimize the possibility of a release of hazardous constituents to the environment. The Guidance Documents for the 112r require that the Risk Management Plan take into account mitigating circumstances. In the September 1997, guidance document, Section 8.1.2 points out that passive mitigation includes closed spaces. The documents indicate that up to 90% attenuation may result from a properly designed building. (See page 104 of the attached guidance document, which gives an example in which the expected releases inside a building are 8.5% of the worst case scenario rate and 3.6 % of the most likely case scenario rate.) Active mitigation facilities, including fire suppression systems, will further reduce the effect of releases from a fire in a closed area. Vertical mixing of products of combustion during a fire would result in no ground-level releases, as opposed to the existing scenario of outside storage where ground-level releases would be expected.

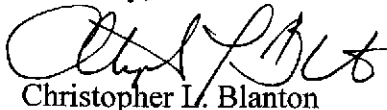
The Guidance Document (pages 103-104) further points out that even for releases without fires or explosions, storage within a building is still much superior to outside storage. Releases are mitigated in two significant ways:

- Evaporation of any released material is lower. This is because of reduced wind speed and in the case of sunny days, radiant energy transferred to the material is reduced.
- The building provides resistance to discharge of contaminated air to the outdoors.

Based on this guidance and the conservative design of the proposed drum storage building previously supplied to the FDEP, Perma-Fix concludes that even though additional volume of material will be stored, the mitigating effect of the building will result in a reduction of risk during the operation of the facility. Accordingly, I would like to request that you review this information at your earliest opportunity and advise Perma-Fix of your agreement with our conclusions.

I realize that the FDEP has been deciding how to incorporate the Enhanced Contingency Plan requirements into the regulatory framework and this has been a time-consuming matter. Nonetheless, Perma-Fix is anxious to provide the additional level of safety and protection to its Davie operation. I would therefore respectfully request a speedy response to this letter so that construction of the building may proceed quickly. Thank you for your attention to this matter. If you need any additional information, please do not hesitate to contact me.

Sincerely,



Christopher L. Blanton
Vice President/General Manager

Cc: Doug Outlaw – FDEP (Tallahassee)

OFFSITE CONSEQUENCE ANALYSIS GUIDANCE

***** Draft – September 12, 1997 *****

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Duration of Release. The duration of the release is used in choosing the appropriate reference table for distances (Section 9 below). You can calculate the maximum duration by dividing the quantity in the tank or the quantity that may be released from pipes by your calculated release rate. You may use 60 minutes as a default value for maximum release duration. If you know how long it is likely to take to stop the leak, you can use that time as the release duration.

If a gaseous release from a hole in a tank or pipe is likely to be stopped very quickly (e.g., by a block valve), resulting in a puff of toxic gas that forms a vapor cloud rather than a plume, you may want to consider other methods for determining a consequence distance. The behavior of a cloud of toxic gas resulting from a puff release will not exhibit the same behavior as a plume resulting from a longer release (e.g., a release over 10 minutes).

Gases Liquefied Under Pressure. Gases stored under pressure as liquids may be released very rapidly in case of tank or pipe damage or failure. Such releases may involve rapid vaporization of a fraction of the liquefied gas and possibly aerosolization. The methods presented in this guidance are not appropriate for this type of release. If you think release of a liquefied gas under pressure is a likely scenario at your site, you may want to consider other models or methods to carry out a consequence analysis.

8.1.2 Mitigated Releases

For gases, passive mitigation may include enclosed spaces, as discussed in Section 3.1.2. Active mitigation for gases, which may be considered in analyzing alternative release scenarios, may include an assortment of techniques including automatic shutoff valves, rapid transfer systems (emergency deinventory), and water/chemical sprays. These mitigation techniques have the effect of reducing either the release rate or the duration of the release, or both.

Active Mitigation to Reduce Release Duration. An example of a mitigation technique to reduce the release duration is automatic shutoff valves. If you have an estimate of the rate at which the gas will be released and the time it will take to shut off the release, you can estimate the quantity potentially released (release rate times time). If the release will take place over a period of 10 minutes or more, you can use the release rate to estimate the distance to the toxic endpoint, as discussed in Section 9. For releases stopped in less than 10 minutes, multiply the initial release rate by the duration of release to estimate the quantity released, then divide the new quantity by 10 minutes to estimate a mitigated release rate that you can apply to the reference tables in Section 9 to estimate the consequence distance. If the release would be stopped very quickly, you might want to consider other methods that will estimate consequence distances for a puff release.

Active Mitigation to Directly Reduce Release Rate to Air. Examples of mitigation techniques to directly reduce the release rate include scrubbers and flares. Use test data, manufacturer design specifications, or past experience to determine the fractional reduction of the release rate by the mitigation technique. Apply this fraction to the release rate that would have occurred without the mitigation technique. The initial release rate, without mitigation, can be the release rate for the alternative scenario (e.g., a release rate estimated from the equations presented earlier in this section) or the worst-case release rate. The mitigated release rate is:

$$QR_R = (1 - FR) \times QR \quad (12)$$

where: QR_R = reduced release rate (pounds per minute)
FR = fractional reduction resulting from mitigation
QR = release rate without mitigation (pounds per minute)

Example 18. Water Spray Mitigation (Hydrogen Fluoride)

A bleeder valve on a hydrogen fluoride (HF) tank opens, releasing 660 pounds per minute of HF. Water sprays are applied almost immediately. Experimental field and laboratory test data indicate that HF vapors could be reduced by 90 percent. The reduced release rate is:

$$\begin{aligned} QR_R &= (1 - 0.9) \times (660 \text{ pounds per minute}) \\ &= 66 \text{ pounds per minute} \end{aligned}$$

Passive Mitigation. The same simplified method used for worst-case releases can be used for alternative release scenarios to estimate the release rate to the outside air from a release in an enclosed space. For alternative scenarios, you may use a modified release quantity, if appropriate. Use the equations presented in Section 3.1.2 to estimate the release rate to the outside air.

Duration of Release. You should estimate the duration of the release either from your knowledge of the length of time it may take to stop the release or by dividing the quantity that may be released by your estimated release rate.

8.2 Toxic Liquids

This section describes methods for estimating liquid release rates from tanks and pipes. The released liquid is assumed to form a pool, and the evaporation rate from the pool is estimated as for the worst-case scenario. For the alternative scenario, you can assume the average wind speed in your area in the calculation of evaporation rate, instead of a wind speed of 1.0 meters per second (2.2 miles per hour). For the reference tables in this guidance, the wind speed for alternative scenarios is assumed to be 3.0 meters per second (6.7 miles per hour). To use the wind speed of 3.0 meters per second in the equations for release rate from a pool, substitute 2.4 (3.0 to the 0.78 power) for $U^{0.78}$ in the equations in Section 3.2.

If you have sufficient information to estimate the quantity of liquid that might be released to an undiked area under an alternative scenario, you can skip the rest of this section. Assume your estimated quantity of liquid forms a pool and use the equations discussed in Section 3.2 to estimate the evaporation rate from the pool and the release duration. Use 3.0 meters per second as the wind speed. After you have estimated the evaporation rate and release duration, go to Section 9 for instructions on estimating distance to the toxic endpoint.

8.2.1 Unmitigated Releases

Liquid Release from Tank under Atmospheric Pressure. If you have a liquid stored in a tank at atmospheric pressure, you can use the following simple equation to estimate the liquid release rate from a hole in the tank below the liquid level. (See Appendix D, Section D.7.1 for the derivation of this equation.)

$$QR_L = HA \times \sqrt{LH} \times LLF \quad (13)$$

where: QR_L = liquid release rate (pounds per minute)
HA = hole or puncture area (square inches) (from hazard evaluation or best estimate)
LH = height of liquid column above hole (inches) (from hazard evaluation or best estimate)
LLF = Liquid Leak Factor incorporating discharge coefficient and liquid density (listed for each toxic liquid in Exhibit B-2, Appendix B).

This equation will give an overestimate of the release rate, because it does not take into account the decrease in the release rate as the height of the liquid above the hole decreases. You may use a computer model or another calculation method if you want a more realistic estimate of the liquid release rate.

You also can use Equation 13 (above) to estimate the rate of release of a liquid from a hole in a pipe. This equation essentially neglects the effects of friction along the pipe and, therefore, provides a conservative estimate of the discharge rate.

You can estimate the quantity that might be released by multiplying the liquid release rate from the above equation by the time (in minutes) that likely would be needed to stop the release. Alternatively, you can assume the release would stop when the level of liquid in the tank drops to the level of the hole. You can estimate the quantity of liquid above that level in the tank from the dimensions of the tank, the liquid level at the start of the leak, and the level of the hole. Assume the estimated quantity is released into a pool and use the method and equations described in Section 3.2, substituting a wind speed of 3.0 meters per second (6.7 miles per hour) for the wind speed of 1.0 meters per second (2.2 miles per hour) (use a value of 2.4 for $U^{0.78}$), to determine the evaporation rate of the liquid from the pool and the duration of the release.

D.1 Worst-Case Release Rate for Gases

D.1.1 Unmitigated Release

The assumption that the total quantity of gas is released in 10 minutes is the same assumption used in EPA's *Technical Guidance for Hazards Analysis* (1987).

D.1.2 Gaseous Release Inside Building

The mitigation factor for gaseous release inside a building is based on a document entitled "Risk Mitigation in Land Use Planning: Indoor Releases of Toxic Gases" by S.R. Porter. This paper presented three release scenarios and discussed the mitigating effects that would occur in a building with a volume of 1,000 cubic meters at three different building air exchange rates. There is a concern that a building may not be able to withstand the pressures of a very large release. However, this paper indicated that release rates of at least 2,000 pounds per minute could be withstood by a building.

Analyzing the data in this paper several ways, the value of 55 percent emerged as representing the mitigation that could occur for a release scenario into a building. Data are provided on the maximum release rate in a building and the maximum release rate from a building. Making this direct comparison at the lower maximum release rate (3.36 kg/s) gave a release rate from the building of 55 percent of the release rate into the building. Using information provided on another maximum release rate (10.9 kg/min) and accounting for the time for the release to accumulate in the building, approximately 55 percent emerged again.

The choice of building ventilation rates affects the results. The paper presented mitigation for three different ventilation rates, 0.5, 3, and 10 air changes per hour. A ventilation rate of 0.5 changes per hour is typical for buildings designed to house toxic gases; therefore, EPA decided that this ventilation rate was appropriate for this analysis. A release factor of 55 percent serves as a conservative value to use in the event of a gaseous release which does not destroy the building into which it is released.

D.2 Worst-Case Release Rate for Liquids

D.2.1 Evaporation Rate Equation

The equation for estimating the evaporation rate of a liquid from a pool is from the *Technical Guidance for Hazards Analysis*, Appendix G. The same assumptions are made for determination of maximum pool area (i.e., the pool is assumed to be 1 centimeter (0.033 feet) deep). The evaporation rate equation has been modified to include a different mass transfer coefficient for water, the reference compound. For this document, a value of 0.67 centimeters per second is used as the mass transfer coefficient, instead of the value of 0.24 cited in the *Technical Guidance for Hazards Analysis*. The value of 0.67 is based on Donald MacKay and Ronald S. Matsugu, "Evaporation Rates of Liquid Hydrocarbon Spills on Land and Water," *Canadian Journal of Chemical Engineering*, August 1973, p. 434.

D.2.2 Factors for Evaporation Rate Estimates

Liquid Factors. The liquid factors, Liquid Factor Ambient (LFA) and Liquid Factor Boiling (LFB) used to estimate the evaporation rate from a liquid pool (see Section 3.2 of this guidance document), are derived as described in the *Technical Guidance for Hazards Analysis*, Appendix G, with the following differences:

- The mass transfer coefficient of water is assumed to be 0.67, as discussed above; the value of the factor that includes conversion factors, the mass transfer coefficient for water, and the molecular weight of water to the one-third power, given as 0.106 in the *Technical Guidance* is 0.284 in this guidance.
- Density of all substances was assumed to be the density of water in the *Technical Guidance*; the density was included in the liquid factors. For this guidance document, density is not included in the LFA and LFB values presented in the tables; instead, a separate Density Factor (DF) (discussed below) is provided to be used in the evaporation rate estimation.

With these modifications, the LFA is:

$$LFA = \frac{0.284 \times MW^{\frac{2}{3}} \times VP}{82.05 \times 298} \quad (D-1)$$

where: MW = molecular weight

VP = vapor pressure at ambient temperature in millimeters of mercury

298 K (25° C) = ambient temperature

LFB is:

$$LFB = \frac{0.284 \times MW^{\frac{2}{3}} \times 760}{82.05 \times BP} \quad (D-2)$$

where: MW = molecular weight

760 = vapor pressure at boiling temperature (millimeters of mercury (mm Hg))

BP = boiling point (K)

Density Factor. Because some of the regulated liquids have densities very different from that of water, the density of each substance was used to develop a Density Factor (DF) for the determination of maximum pool area for the evaporation rate estimation. The density factor is:

$$DF = \frac{1}{d \times 0.033} \quad (D-3)$$

where: DF = Density factor (1/(lbs/ft³)
d = Density of the substance in pounds per cubic foot
0.033 = Depth of pool for maximum area (feet)

D.2.3 Common Water Solutions

Water solutions of regulated toxic substances must be analyzed somewhat differently from pure toxic liquids. Except for solutions of relatively low concentration, the evaporation rate varies with the concentration of the solution. At one specific concentration, the composition of the liquid does not change as evaporation occurs. For concentrated solutions of volatile substances, the evaporation rate from a pool may decrease, very rapidly in some cases, as the toxic substance volatilizes and its concentration in the pool decreases. Using the ALOHA model with an additional feature (not available in the public version), changes in the release rate could be incorporated and the effects of these changes on the consequence distance analyzed. The distance results obtained using this model for various solutions were compared with the results from various time averages to examine the sensitivity of the results. An averaging time of 10 minutes was found to give reasonable agreement with the step-function model for most substances at various concentrations.

NOAA developed a computerized calculation method to estimate partial vapor pressures and release rates for regulated toxic substance in solution as a function of concentration, based on vapor pressure data from *Perry's Engineers' Handbook* and other sources. Using this method, EPA estimated partial vapor pressures and evaporation rates at one-minute intervals over 10 minutes for solutions of various concentrations. The 10-minute time period was chosen based on the ALOHA results. For each one-minute interval, EPA estimated the concentration of the solution based on the quantity evaporated in the previous interval, and estimated the partial vapor pressure based on the concentration. These estimated vapor pressures were used to calculate an average vapor pressure over the 10-minute period; this average vapor pressure was used to derive Liquid Factor Ambient (LFA) values, as described above for liquids. Use of these factors is intended to give an evaporation rate that accounts for the decrease in evaporation rate expected to take place as the solution evaporates.

Density Factors (DF) were developed for solutions of various concentrations from data in *Perry's Engineers' Handbook* and other sources, as discussed above for liquids.

Because solutions do not have defined boiling points, EPA did not develop Liquid Factor Boiling (LFB) values for solutions. As a simple and conservative approach, the quantity of a regulated substance in a solution at an elevated temperatures is treated as a pure substance. This approach will likely give an overestimate of the consequence distance.

D.2.4 Releases Inside Buildings

If a toxic liquid is released inside a building, its release to the outside air will be mitigated in two ways. First, the evaporation rate of the liquid may be much lower inside a building than outside. This is due to wind speed, which directly affects the evaporation rate. The second mitigating factor is that the building provides resistance to discharge of contaminated air to the outdoors.

In this method, a conservative wind speed, U , of 0.1 m/s was assumed in the building. (See end of text for a justification of this wind speed.) For a release outdoors in a worst-case scenario, U is set to 1 m/s, and for a more likely scenario, U is set to 3 m/s. The evaporation rate equation is:

$$QR = U^{0.78} \times (LFA, LFB) \times A \quad (D-4)$$

where: QR = release rate (pounds per minute)
 U = wind speed (meters per second)
 LFA = Liquid Factor Ambient
 LFB = Liquid Factor Boiling
 A = area of pool (square feet).

As can be seen, if U inside a building is only 0.1, then the evaporation rate inside a building will be much lower than a corresponding evaporation rate outside (assuming the temperature is the same). The rate will only be $0.1^{0.78}$, about 17 percent of the rate for a worst case, and $0.033^{0.78}$, about seven percent of the rate for a more likely case.

The evaporated liquid mixes with and contaminates the air in the building. What EPA is ultimately interested in is the rate at which this contaminated air exits the building. In order to calculate the release of contaminated air outside the building, EPA adapted a method from an UK Health and Safety Executive paper entitled, *Risk Mitigation in Land Use Planning: Indoor Releases of Toxic Gases*, by S.R. Porter. EPA assumed that the time for complete evaporation of the liquid pool was one hour. The rate at which contaminated air was released from the building during liquid evaporation (based on the paper) was assumed to be equal to the evaporation rate plus the building ventilation rate (no pressure buildup in building). The building ventilation rate was set equal to 0.5 air changes per hour, which is a typical ventilation rate for a building used to store toxic liquids and gases. EPA used a typical storage building with a volume of 1000 m³ and a floor area of 200 m² (2152 ft²), and assumed that the liquid pool would cover the entire building floor, representing a conservative scenario.

To provide a conservative estimate, EPA calculated the evaporation rate for a spill of a volatile liquid, carbon disulfide, under ambient conditions inside the building:

$$QR = 0.1^{0.78} \times 0.075 \times 2152 = 26.8 \text{ lbs/min.}$$

Next, this evaporation rate was converted to m³/min using the ideal gas law:

$$26.8 \text{ lbs/min} \times 454 \text{ g/lb} \times 1 \text{ mol CS}_2 / 76.1 \text{ g} \times 0.0224 \text{ m}^3/\text{mol} = 3.58 \text{ m}^3/\text{min.}$$

*** Draft – September 12, 1997 ***

The ventilation rate of the building is 0.5 changes per hour, which equals 500 m³ per hour, or 8.33 m³/min. Therefore, during evaporation, contaminated air is leaving the building at a rate of 8.33 + 3.58, or 11.9 m³/min.

EPA used an iterative calculation for carbon disulfide leaving a building using the above calculated parameters. During the first minute of evaporation, 26.8 lbs of pure carbon disulfide evaporates, and EPA assumed this evenly disperses through the building so that the concentration of CS₂ in the building air is 0.0268 lbs/m³ (assuming 1000 m³ volume in the building). Contaminated air is exiting the building at a rate of 11.9 m³/min, so EPA deduced that $11.9 \times 0.0268 = 0.319$ lbs of carbon disulfide exit the building in the first minute, leaving 26.5 lbs still evenly dispersed inside. Since this release occurs over one minute, the release rate of the carbon disulfide to the outside is 0.319 lbs/min. During the second minute, another 26.8 lbs of pure carbon disulfide evaporates and disperses, so that the building now contains 26.8 + 26.5 = 53.3 lbs of carbon disulfide, or 0.0533 lbs/m³. Contaminated air is still exiting the building at a rate of 11.9 m³/min, so $11.9 \times 0.05328 = 0.634$ lbs of carbon disulfide are released, leaving 52.6 lbs inside. Again, this release occurs over one minute so that the rate of carbon disulfide exiting the building in terms of contaminated air is 0.634 lbs/min. EPA continued to perform this estimation over a period of one hour. The rate of release of carbon disulfide exiting the building in the contaminated air at the sixty minute mark is 13.7 lbs/min. This represents the maximum rate of carbon disulfide leaving the building. After all of the carbon disulfide is evaporated, there is a drop in the concentration of carbon disulfide in the contaminated air leaving the building because the evaporation of carbon disulfide no longer contributes to the overall contamination of the air.

Note that if the same size pool of carbon disulfide formed outside, the release rate for a worst case scenario would be:

$$QR = 1^{0.78} \times 0.075 \times 2152 = 161 \text{ lbs/min.}$$

and for a more likely case:

$$QR = 3^{0.78} \times 0.075 \times 2152 = 380 \text{ lbs/min.}$$

The maximum release rate of carbon disulfide in the contaminated building air, assuming a 1,000 m³ building with a building exchange rate of 0.5 air changes per hour, was only about 8.5 percent ($13.7 \div 161 \text{ lbs/min} \times 100$) of the worst case scenario rate, and only about 3.6 percent ($13.7 \div 380 \text{ lbs/min} \times 100$) of more likely case scenario rate. EPA set an overall building mitigation factor equal to 10 percent and five percent, respectively, in order to be conservative. Please note that (at a constant ventilation rate of 0.5 changes per hour) as the size of the building increases, the maximum rate of contaminated air leaving the building will decrease, although only slightly due to the balancing effect of building volume and ventilation rate. Obviously, a higher ventilation rate will yield a higher maximum release rate of contaminated air from the building, but most buildings used to store a toxic chemical should have ventilation rates close to 0.5 changes per hour.

For a release inside a building, EPA assumed a building air velocity of 0.1 m/s. This conservative value was derived by setting the size of the ventilation fan equal to 1.0 m². This fan is exchanging air from the building with the outside at a rate of 0.5 changes per hour. For a 1000 m³ building, this value

becomes 500 m³/hour, or 0.14 m³/s. Dividing 0.14 m³/s by the area of the fan yields a velocity of 0.14 m/s, which was rounded down to 0.1 m/s.

D.3 Toxic Endpoints

The toxic endpoints found in Appendix B, Exhibits B-1, B-2, and B-3, were chosen as follows, in order of preference:

- (1) Emergency Response Planning Guideline 2 (ERPG-2), developed by the American Industrial Hygiene Association, if available;
- (2) Level of Concern (LOC) derived for extremely hazardous substances (EHSs) regulated under section 302 of the Emergency Planning and Community Right-to-Know Act (EPCRA) (see the *Technical Guidance for Hazards Analysis* for more information on LOCs); the LOC for EHSs is based on:
 - One-tenth of the Immediately Dangerous to Life and Health (IDLH) level, developed by the National Institute of Occupational Safety and Health (NIOSH), using IDLH values developed before 1994,

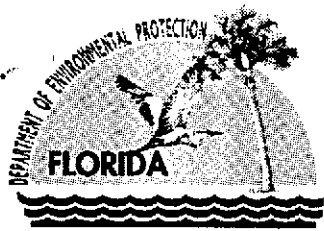
or, if no IDLH value is available,
 - One-tenth of an estimated IDLH derived from toxicity data; the IDLH is estimated as described in Appendix D of the *Technical Guidance for Hazards Analysis*.

ERPG-2 is defined as the concentration below which almost all people could be exposed for one hour without irreversible or other serious health effects or symptoms that would impair their ability to take protective action.

IDLH is defined in the NIOSH *Pocket Guide to Chemical Hazards* (1994) as a condition that poses a threat of exposure to airborne contaminants when that exposure is likely to cause death or immediate or delayed adverse health effects or prevent escape from such an environment. The IDLHs are intended to ensure that workers can escape from a given contaminated environment in the event of failure of the respiratory protection equipment.

The estimated IDLH is derived from animal toxicity data, in order of preferred data, as follows:

- From median lethal concentration (LC₅₀) (inhalation): $0.1 \times LC_{50}$
- From lowest lethal concentration (LC_{LO}) (inhalation): $1 \times LC_{LO}$
- From median lethal dose (LD₅₀) (oral): $0.01 \times LD_{50}$
- From lowest lethal dose (LD_{LO}) (oral): $0.1 \times LD_{LO}$



Jeb Bush
Governor

Department of Environmental Protection

Southeast District
P.O. Box 15425
West Palm Beach, Florida 33416

FILE

David B. Struhs
Secretary

Perma-Fix of Ft. Lauderdale, Inc.
3701 SW 47th Avenue, Suite 109
Davie, FL 33314
Attn: Mr. Shawn Lennon

DEP File No. HO06-307932
Broward County

RE: Used Oil Processor Permit Number HO06-307932, Solid Waste Management Issues and Permit Requirements; Application, Instruction, and Rule Citations.

Dear Mr. Lennon:

This letter serves as a follow up to our conversation concerning solid waste management issues at your Used Oil Processing facility. If you plan to bulk and process solid wastes that do not meet the definition of "used oil", you will be required to submit a permit modification to include applicable solid waste management operations. These wastes must be managed in accordance with the requirements of Chapter 62-701, F.A.C. entitled "Solid Waste Management Facilities." Pursuant to Rule 62-701.300(a) "No person shall ... process ... solid waste except at a permitted solid waste management facility ..." Attached are application forms to be used for this permit modification.

Please prepare the required permit modification as detailed below and in the attached application. In order for the application to be considered complete the application must be filled out completely and must also include:

1. \$500.00 check pursuant to Rule 62-710.800(7)
2. Pursuant to Rules 62-701.320(5)(a,b) "Applications for a solid waste management facility shall be submitted on appropriate Department forms listed in Rule 62-701.900, F.A.C., to the Department district office with jurisdiction where the facility is located. The forms for this application are also available on the FDEP website at www.dep.state.fl.us/dwm/rules/forms/62-701/701_1.pdf. All forms in section II (E) must be completed, including form "Q" (Financial Responsibility Requirements). A minimum of three copies each of the application, engineering plans and reports, and all supporting information for the proposed construction, substantial modification, operation or closure of a facility shall be provided to the Department." and (b) "Information in every application shall be of sufficient detail to show how the facility will be constructed, operated, and closed, and how it will be monitored and maintained after closure, in order to comply with the requirements of this chapter."
3. Applications to modify a permit for a used oil permit to include solid waste management activities shall also include the following:
 - (a) A letter of application transmittal;
 - (b) A completed application form dated and signed by the applicant;
 - (c) An engineering report addressing the requirements of this rule which shall:
 1. Contain a cover sheet stating the project title, location, applicant's name, and the engineer's name, address, signature, date of signature and seal;
 2. Have the text printed on 8 1/2 inch by 11 inch consecutively numbered pages;

"More Protection, Less Process"

Printed on recycled paper.

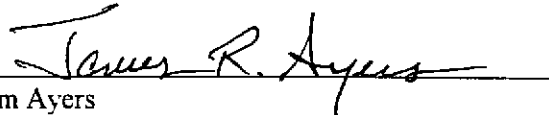
3. Contain a table of contents or index describing the body of the report and the appendices; and
 4. Include the body of the report and all appendices.
- (d) Plans or drawings for all solid waste management facilities shall:
1. Use sheets 22 inches by 34 inches or 24 inches by 36 inches, and include title blocks;
 2. Have a cover sheet that includes the project title, applicant's name, sheet index, legend of symbols, and the engineer's name, address, signature, date of signature and seal;
 3. Include a regional map or plan showing the project location;
 4. Include a current vicinity map, or aerial photograph taken within one year preceding the application;
 5. Have a site plan containing the location of all property boundaries certified by a registered Florida land surveyor; and
 6. Clearly show all necessary details and be numbered, titled, and referenced to the narrative report. Drawings shall contain a north arrow and horizontal and vertical scales, and shall specify drafting or origination dates. All elevations shall be referenced to National Geodetic Vertical Datum.

Note: If any of the information requested is already a part of the used oil application, it is satisfactory to reference its location and not submit duplicate data.

After approval of the closure cost estimate, DEP staff will forward the approved estimate to DEP's financial liaison in HW/TLH. There are 7 different financial mechanisms available. The applicant is required to provide proof of financial assurance as part of the permitting process.

Please submit the required application prior to commencing any solid waste activities at you facility. If you have any questions, please contact me at (561) 681-6673.

Sincerely,



Jim Ayers
Hazardous Waste Permitting Engineer
Southeast District

LH/ja

Copies furnished to:

- File, West Palm Beach (w/o enclosures)
- Sermin Unsal, Broward County DPEP (w/o enclosures)
- Rick Neves, FDEP-Tallahassee (w/o enclosures)

PERMA-FIX
ENVIRONMENTAL SERVICES

November 03, 1998

Mr. John M. Jones, P.E.
Hazardous Waste Section Supervisor
Southeast District
P.O. Box 15425
West Palm Beach, Florida 33416

RECEIVED
NOV 6 1998
DEPT OF ENVIRONMENTAL
PROTECTION

RE: Used Oil Processor's Permit Number H006-307932, Solid Waste Management Issues and Permit Requirements

Dear Mr. Jones:

This letter serves as a response to your letter dated, October 27, 1998, concerning issues that fall outside the Used Oil Processor's Permit and perhaps fall into solid waste management issues.


Perma-Fix continues to be heavily involved in the used oil recycling business. Most of our efforts revolve around recycling used oil, treating oily water, and waste to energy applications for oil contaminated materials. However, the following list includes materials handled at this facility that may fall outside of our Used Oil Processor's permit. Those materials are:

1. Non-hazardous waste water either industrial or investigatively derived.
2. Non-hazardous sludges and solids not contaminated with oil. Examples would include non-haz soils and non-haz sludges either industrial or investigatively derived.
3. RCRA empty plastic and steel containers.
4. Used oil filters.

Except for the containers and the oil filters, Perma-Fix of Ft. Lauderdale, Inc. accepts most of these materials in either bulk or drum quantities and in the case of the former, drums the material and ships it to our Gainesville facility for processing and disposal.

Should you have any other questions or concerns, please feel free to contact me at 800-959-9543.

Sincerely,


Christopher L. Blanton
VP/General Manager

Via UPS Mail

October 1, 2007

Bheem Kothur, P.E.
Solid & Hazardous Permitting Section
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400

RECEIVED
OCT 02 2007
DEPT OF ENV PROTECTION
WEST PALM BEACH

Subject: Response to Sept. 4, 2007 Letter;
Perma-Fix of Fort Lauderdale, Inc.;
3670 SW 47th Avenue, Davie, Broward County

Dear Mr. Kothur:

On behalf of Perma-Fix of Fort Lauderdale, Inc., this submittal shall serve as our response to the above referenced letter requesting additional information. Enclosed with this letter is an item by item response to each request. Three sets of copies are enclosed. One copy set is being sent to Karen Kantor of FDEP-West Palm Beach.

We hope that you will find each response satisfactory. If you have any questions please call me at 407/341-3351 or Shawn Lennon at 954/583-3795.

Sincerely,

Perma-Fix Environmental Services, Inc.



Victor L. San Agustin
Director of Compliance
vsa

cc: Karen Kantor, FDEP – West Palm Beach
Rabin Prusty, FDEP – Tallahassee

ATTACHMENT
Item by Item Response
to FDEP's September 4, 2007 Letter
Perma-Fix of Fort Lauderdale, Inc.
EPA ID No. FLD 981 018 773

"1. Attachment A, UOP Application: Section C, Operating Information, Items 3-10 reference the incorrect attachments per the Table of Contents (examples: #3 should refer to Attachment C, not A; item #4 should refer to Attachment D, not B, and so on ...) Please review and revise as appropriate."

Response:

Items 3 – 10 now reference the correct Attachment letters. Enclosed as Attachment 1 is a revised Section C., pages 10 and 11 of the completed Used Oil Permit Application form.

"2. Attachment C, Brief Description of Facility Operations: Perma-Fix has specified that Perma-Fix is a hazardous waste transporter and 10 day hazardous waste transfer facility. Perma-Fix must specify that the facility is in compliance with the site location standards for 10 day hazardous waste transfer facility in accordance with rule 62-730.170. Perma-Fix must also submit a written closure plan for a hazardous waste transfer facility that satisfies the requirements of the closure performance, notification, and decontamination standards of 40 CFR 265.111, 265.112, 265.114, and 265.115. The facility must also comply with 40 CFR 265 Subpart B, Subpart C, Subpart D, and Subpart I. The closure plan must include closure cost estimate."

Response:

Perma-Fix of Ft. Lauderdale, Inc. hereby specifies and states that to the best of our knowledge, the facility is in compliance with the site location standards for an existing 10 day hazardous waste transfer facility in accordance with rule 62-730.170 and 171, F.A.C..

The facility is also in compliance with 40 CFR 265, Subparts B, C, D, and I.

Enclosed as Attachment 2 is a closure plan for the 10 day hazardous waste transfer facility. As requested, the plan includes a closure cost estimate and calculations.

"3. Attachment E, Waste Analysis Plan: Please correct the typographical error on page 18 of 45, Section 12.0, "Prohibited Waste"."

Perma-Fix must specify the frequency of sludge removal for the tanks in the application.

Perma-Fix must provide an inspection schedule for the tanks."

Response:

The typo, "Prohibited Wast" has been corrected. Enclosed as Attachment 3 is a replacement page.

Frequency of sludge removal from tanks is approximately once every five (5) years. Sludge removal frequency is now included in Attachment K – Unit Management Description, pages 28 and 29 of 45 . Replacement pages are enclosed in Attachment 3 of this submittal.

Inspection schedule for the tank systems is daily and approximately once every 5 years. This schedule is now described in pages 28 and 29 of 45 in Attachment K – Unit Management Description. The daily inspection form is located behind page 29 of 45. A copy of the replacement pages and the daily inspection form is enclosed in Attachment 3 of this submittal.

"4. Attachment I, Contingency Plan and Emergency Procedures: Perma-Fix must specify address of emergency coordinators in the application. Please revise the application."

Response:

Enclosed as Attachment 4 are replacement pages 1 of 18 to 8 of 18 of the updated contingency plan. The attached Page 5 of 18 now includes the home and work addresses of each emergency coordinator.

"5. Attachment N, Figures: Please provide an electronic version of map (8 ½ " x 11") in PDF format clearly identifying the Tanks and Solid Waste Processing Area. This map will be attached to the renewal permit. Please send the map via email."

Response:

Enclosed as Attachment 5 is the requested map. A PDF copy of the same map has also been emailed to Bheem Kothur and Rabin Prusty of FDEP Tallahassee.

Attachment 1

**Revised Section C. of
Used Oil Permit Application Form**

C. OPERATING INFORMATION

1. Hazardous waste generator status (SQG, LQG) CESQG

2. List applicable EPA hazardous waste codes:

D001, D004 to D043

3. Attach a brief description of the facility operation, nature of the business, and activities that it intends to conduct, and the anticipated number of employees. No proprietary information need be included in this narrative.

A brief description of the facility operation is labeled as Attachment C

4. Attach a detailed description of the process flow should be included. This description should discuss the overall scope of the operation including analysis, treatment, storage and other processing, beginning with the arrival of an incoming shipment to the departure of an outgoing shipment. Include items such as size and location of tanks, containers, etc. A detailed site map, drawn to scale, should be attached to this description. (See item 4, page 4).

The facility's detailed process description is labeled as Attachment D

5. The following parts of the facility's operating plan should be included as attachments to the permit application. (See item 5 on pages 4 and 5):

a. An analysis plan which must include:

- (i) a sampling plan, including methods and frequency of sampling and analyses;
- (ii) a description of the fingerprint analysis on incoming shipments, as appropriate; and
- (iii) an analysis plan for each outgoing shipment (one batch/lot can equal a shipment, provided the lots are discreet units) to include: metals and halogen content.

The analysis plan is labeled as Attachment E

b. A description of the management of sludges, residues and byproducts. This must include the characterization analysis as well as the frequency of sludge removal.

Sludge, residue and byproduct management description is labeled as Attachment F

c. A tracking plan which must include the name, address and EPA identification number of the transporter, origin, destination, quantities and dates of all incoming and outgoing shipments of used oil.

The tracking plan is included as Attachment G

6. Attach a copy of the facility's preparedness and prevention plan. This requirement may be satisfied by modifying or expounding upon an existing SPCC plan. Describe how the facility is maintained and operated to minimize the possibility of a fire, explosion or any unplanned releases of used oil to air, soil, surface water or groundwater which could threaten human health or the environment. (See item 6, page 5).

The preparedness and prevention plan is labeled as Attachment H

7. Attach a copy of the facility's Contingency Plan. This requirement should describe emergency management personnel and procedures and may be met using a modifying or expounding on an existing SPCC plan or should contain the items listed in the Specific Instructions. (see item 7 on pages 5 and 6).

The contingency plan is labeled as Attachment I

8. Attach a description of the facility's unit management for tanks and containers holding used oil. This attachment must describe secondary containment specifications, inspection and monitoring schedules and corrective actions. This attachment must also provide evidence that all used oil process and storage tanks meet the requirements described in item 8b on page 6 of the specific instructions, and should be certified by a professional engineer, as applicable.

The unit management description is labeled as Attachment J

9. Attach a copy of the facility's Closure plan and schedule. This plan may be generic in nature and will be modified to address site specific closure standards at the time of closure. (See item 9, pages 6 and 7).

The closure plan is labeled as Attachment K

10. Attach a copy of facility's employee training for used oil management. This attachment should describe the methods or materials, frequency, and documentation of the training of employees in familiarity with state and federal rules and regulations as well as personal safety and emergency response equipment and procedures. (See item 10, page 7).

A description of employee training is labeled as Attachment L

Attachment 2
Closure Plan for
10 Day Hazardous Waste Transfer Facility

Attachment L

- A. Closure Plan for Used Oil Processing Facility**
- B. Closure Plan for Solid Waste Processing Facility**
- C. Closure Plan for Hazardous Waste Transfer Facility**

- D. Closure Cost Estimates and Financial Assurance**

**CLOSURE PLAN FOR 10 DAY
HAZARDOUS WASTE TRANSFER FACILITY**

**Perma-Fix of Fort Lauderdale, Inc.
3701 SW 47th Avenue, Suite 109
Davie, FL 33314**

October 1, 2007

prepared by

**Victor L. San Agustin, P.E., C.H.M.M.
Perma-Fix Environmental Services, Inc.
10100 Rocket Blvd.
Orlando, FL 32824**

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1.0 Introduction

1.1 Purpose

This closure plan is prepared in accordance with rule 62-730.171(2)(b), F.A.C. for PFFL, a 10 day hazardous waste transfer facility and also a used oil & solid waste processing facility.

1.2 Scope

This closure plan describes the manner in which the hazardous waste storage area 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.. This state rule requires that the closure requirements of federal rule 40 CFR 265.111, 265.112, 265.114, and 265.115 be satisfied.

1.3 Facility Information

PFFL is a hazardous waste transporter and also operates a 10 day hazardous waste transfer facility at the address below.

Facility Location: Perma-Fix of Fort Lauderdale, Inc.
3670 SW 47th Avenue
Davie, FL 33314

EPA ID No. : FLD 981 018 773

2.0 Closure Performance Standards

PFFL as owner/operator of the facility, shall close the 10 day transfer waste areas of the facility in a manner that:

- a. Minimizes the need for further maintenance;
- b. Provides for the removal of hazardous wastes stored in the area;
- c. Provides for the disposal of 10 day hazardous transfer waste from the site;
- d. Demonstrates no contamination of the soil has resulted from the facility's operation.
- e. Demonstrates no contamination of groundwater has resulted from the facility's operation. Groundwater contamination is not expected if soil analytical results in d. above show no contamination. A groundwater investigation study will be conducted if directed by the Department.

3.0 Closure Plan

Upon closure of the facility, the ten (10) day hazardous transfer waste storage area shall also be closed. Hazardous wastes are stored up to 10 days inside the one storage building located at the facility.

3.1 Disposal of 10 Day Hazardous Transfer Waste

The maximum storage capacity of the facility is approximately 16,500 gallons or the equivalent of 300 - 55 gallon drums. All hazardous waste present at the time of closure shall be removed from the facility and transported by a licensed hazardous waste transporter and disposed of at a permitted hazardous waste treatment, storage, and disposal facility.

Types of hazardous wastes picked up from customers vary. At the time of closure, it is estimated that the following wastes will be present for purposes of calculating closure costs. Respective combined transportation and disposal costs are also shown below:

Ignitable and F-listed Solvent Waste -	113 drums	\$48/drum
Corrosive Waste -	75 drums	\$180/drum
TCLP Metals and TCLP Organic Waste -	75 drums	\$180/drum
Reactive Waste -	37 drums	\$570/drum
Total - 300 drums		

3.2 Decontamination of Transfer Waste Storage Area

Following the removal of all regulated materials, the floor area inside the storage building that used to store containers of hazardous waste will be washed utilizing a 2,200 psi pressure washer or equivalent equipment. The storage areas will be cleaned in a systematic manner to ensure the contaminating material is thoroughly removed. These floor areas will be pressure washed until wash water shows no visual evidence of waste contamination. Wash water generated from the cleaning process will be collected and pumped directly into a tanker trailer for transportation to a permitted hazardous waste treatment storage and disposal facility. 8 - 55 gallon drums of wash water are anticipated to be generated.

Decontamination of the secondary containment area will be verified by collecting a final rinse water sample to verify the absence of volatile organics (EPA Method 8260), semi-volatile organics (EPA Method 8270) and RCRA Metals (EPA Method 6010). The secondary containment area shall be considered clean closed when sampling verifies that the final rinsate exhibits constituent concentrations Practical Quantitative Limits (PQLs) or below two

standard deviations of an average (three sample minimum) background concentration of rinse water used during final rinse activities.

Following final rinsing, the following options, dependent upon rinsate analysis may be exercised.

1. If the final rinsate met the clean closure criteria, no end use restrictions shall be placed on the decontaminated areas, and closure of the area shall be deemed clean closed.
2. If constituents are found in the final rinsate above the clean closure criteria, but below risk based concentrations approved by the Department, end-use restrictions will be placed on the areas, and closure of the areas may be deemed final.
3. Units that cannot meet the clean closure criteria nor the risk-based concentrations approved by the Department will be removed and disposed of as hazardous waste.

3.3 Environmental Monitoring & Analysis

To demonstrate that hazardous constituents have not impacted soils underlying the hazardous waste transfer waste storage area, a subsurface investigation will be conducted. Concrete coring will be conducted to access the underlying soil. The concrete core samples will be located in the areas where there is evidence of spills, deterioration, cracks, gaps, heavily used areas, and low spots where liquids may have accumulated. It is assumed that 2 sampling locations will be necessary. Soil samples will be collected at a depth of 0" to 6" below the concrete/soil interface utilizing applicable sampling methods described in SW-846. Since the storage area floor is approximately 5 to 6 feet above soil grade, the soil samples may be accessed from outside the storage building in order to avoid having to core through 5 to 6 feet of foundation and fill material.

In order to verify that the soil underlying these units has not impacted with hazardous waste or hazardous waste constituents, the soil shall be considered clean closed when soil samples exhibit concentrations below PQLs or two standard deviations of an average (three sample minimum) background constituent concentration, or Florida soil literature concentration ranges for metals.

The soil samples will be collected and analyzed for total metals (Method 6010), volatile organics (Method 8260), and semi-volatile organics (Method 8270). After receipt of analytical results, the following options may be exercised.

1. If soil results meet the clean closure criteria, no end use restrictions shall be placed on the units.
2. If soil results exceed the clean closure criteria, additional subsurface investigations may be performed to define the extent and magnitude of constituent contamination, as directed by the Department.
3. After defining the extent and magnitude of constituent contamination, a risk assessment will be performed or corrective action activities will be conducted.

4.0 Closure Cost Estimate

Detailed closure cost information is presented in Table I-2. Attachment A includes transportation and disposal costs charged by Perma-Fix of South Georgia, Inc., a permitted hazardous waste treatment, storage, and disposal facility. The attachment also includes pricing from Enco Labs for analyzing soil and final rinsate samples.

5.0 Financial Assurance Mechanism for Closure

Financial assurance to cover the closure costs shown in Table I-2 will be provided after Department approval of this closure plan.

Table I-2

**Calculation of Closure Costs
10 Day Hazardous Waste Transfer Waste**

1. Transportation and Disposal of Ignitable and F-Solvent Waste	
113 drums, \$48/drum.....	\$5,424
2. Transportation and Disposal of Corrosive Waste	
75 drums, \$180/drum.....	\$13,500
3. Transportation and Disposal/TCLP Metals and TCLP Organics	
Waste, 75 drums, \$180/drum.....	\$13,500
<hr/>	
4. Transportation and Disposal of Reactive Waste	
37 drums, \$570 per drum.....	\$21,090
5. Decontamination of Floor by Pressure Washing	
8 hours, \$60/hr.....	\$480
6. Disposal of Decontamination Wastewater	
8 drums, \$110 per drum.....	\$880
7. Concrete Core Sampling, 8 hours, \$60/hr.....	\$480
7. Soil Lab Analyses for EPA Methods 8260B, 8270C, 8 RCRA	
Metals, 2 soil samples, \$100 for 8260B, \$250 for 8270C, \$120 for	
8 RCRA Metals.....	\$940
8. Final Rinsate Lab Analyses	
1 final rinsate sample, \$100 for 8260B, \$250 for 8270C, \$120 for	
8 RCRA Metals.....	\$470
9. Closure Report / P.E. Certification.....	<u>\$6,000</u>

Subtotal..... \$62,764
Add 15% Contingency..... \$9,415
Total - \$72,179

Attachment A

**Transportation and Disposal
Costs by Vendor –
Perma-Fix of South Georgia, Inc. &
Clean Harbors, Inc.**

**Perma-Fix of South Georgia
Intercompany Price Schedule**

Effective February 1, 2007

Category	Final Disposal	55 gal price
Fuel-Liquid	Energis	48.00
Fuel - Sludge, >10 gallons sludge	Energis	75.00
Fuel - Chlorides, >30%	Energis	110.00
Fuel - High Water, high flash point	Energis	110.00
Fuel Solids	SK-Smithfield	180.00
Flammable - Loosepack	Energis	180.00
Aerosols	SK-Smithfield	180.00
Corrosives	PFTS/Energis	180.00
Hazardous Landfill Solids	US Ecology	180.00
Incineration	Clean Harbors	Case-by-Case*

*Call for pricing. T & D cost plus 10% awaiting new pricing from Teris

Formulas for Determining Prices for Varying Drum	
Container	55 Price X
Cubic Yard Bag/Box	4
Pallet	4
85 gal	1.25
30 gal	0.75
>5 and <30 gal	0.5
5 gal or less	0.25
\$25.00/minimum applies	

Copyright 2006 All Rights Reserved Clean Harbors Environmental Services, Inc.

Waste Code	Waste Description	Unit	Price	Quantity
All Lab Packs (Aqueous, Incineration, Fuel Blending, Landfill)		Clean Harbors Self-Pack Program		
LBR	REACTIVE LITHIUM BATTERIES	LBS	\$3.50	N/A
LCCRA	LAB PACKS INCINERATION - GENERAL: ACIDIC MATERIALS (LCCRA), ALKALINE MATERIALS (LCCRB), ORGANIC MATERIALS (LCCRC), FLAMMABLES (LCCRD), MATERIALS REQUIRED BY DOT TO BE PACKAGED ALONE (e.g., PIH Materials) (LCCRI), OXIDIZING MATERIALS (LCCRO) Note that this overall category includes RCRA landfill materials.	LBS	\$1.50	\$75.00
LCCRB				
LCCRC				
LCCRD				
LCCRI				
LCCRO	LAB PACKED AEROSOLS (RCRA & NON-RCRA) FOR INCINERATION	LBS	\$0.55	\$75.00
LCCRR	LAB PACK REACTIVES FOR INCINERATION	LBS	\$3.00	\$125.00
LCHSI	LAB PACKS PCSs (LCHSI) & PCB / RCRA (LCHSR) FOR INCINERATION	55DM	\$645.00	\$193.50
LCHSR				
LPTN	Paints & Paint Related Material - "Non-Pourable" (Maximum inner containers 5-gallon)	LBS	\$0.47	\$55.00
LPTP	Paints & Paint Related Material - "Pourable" (Maximum inner containers 5-gallon)	LBS	\$0.47	\$55.00
LCCRP	LAB PACK DIOXIN (PRECURSERS) FOR DISPOSAL IN CANADA	LBS	\$14.00	\$700.00
LCHGI	LAB PACK MERCURY FOR STABILIZATION	LBS	\$2.00	\$75.00
LCHSL	LAB PACK PCB FOR LANDFILL	55DM	\$200.00	\$75.00

SELF-PACK LAB PACK APPROVAL PROCEDURES

Container Inventory Sheets (Packing Slips):

Mike Platte - Corporate Self Pack Manager

 Email: platte.michael@cleanhARBORS.com

Fax: 781.792.5920

Phone: 781.792.5384

Transportation of 55 gal reactive Labpack - \$30.00
 Disposal of 55 gal reactive Labpack waste:
 \$3.00/Lb, 180 Lbs/drum - \$540.00
 Total Per Drum - \$570.00

Approval Numbers:

Once approved, Mike Platt will email with Approval Numbers ("CC" number)

& copy the appropriate Customer Service Representative, with the Approval Number(s)

Approval Numbers ("CC" number), CHES Waste Code, & Drum LD are to be listed in Section 15 of the manifest, & on the drum & drum packing list attached to the outside of the drum in a waterproof packing envelope

Scheduling:

All scheduling goes through Clean Harbors Customer Service Representatives.



Container Minimums & Standard Conversions



5-Gallon listed minimum
6-29 Gallons: 55 Gallon rate x 0.60, or listed minimum, whichever is greater
30-54 Gallons: 55 Gallon rate x 0.75, or listed minimum, whichever is greater
85-Gallon Overpacks 55 Gallon rate x 1.45
Flexbins (FBINS) 55 Gallon rate x 3.5 (FBINS = Cubic Yard Boxes/Super Sacks)
Tote(<300 Gal): 55 Gallon rate x 5.0
Tote(>300-375 Gal): 55 Gallon rate x 6.3

5-Gallon listed minimum
6-20 Gallons: 125 Pounds or listed minimum, whichever is greater
21-30 Gallons: 190 Pounds or listed minimum, whichever is greater
31-55 Gallons: 350 Pounds
56-85 Gallons: 500 Pounds
Cubic Yard Box: 1300 Pounds
Tote(<300 Gal): 1750 Pounds
Tote(>300-375 Gal): 2450 Pounds

5-Gallon listed minimum
6-20 Gallons: 65 Pounds or listed minimum, whichever is greater
21-30 Gallons: 99 Pounds or listed minimum, whichever is greater
31-55 Gallons: 180 Pounds or listed minimum, whichever is greater
56-85 Gallons: 250 Pounds
Cubic Yard Box: 675 Pounds

Clean Harbors fixed Energy and Recovery Fee will be added to the total invoice. Currently the rate is 9.0%
Pricing does not include transportation, or any state/local waste fees.

Attachment B

**Soil and Final Rinsate
Analytical Costs by
3rd Party Lab – Enco Laboratories, Inc.**



Environmental Conservation Laboratories, Inc.

10775 Central Port Drive
Orlando, Florida 32824
(407) 826-5314 phone
(407) 850-6945 fax
NELAP #E83182

4810 Executive Park Ct, Suite 211
Jacksonville, FL 32216-6069
(904) 296-3007 phone
(904) 296-6210 fax
NELAP #E82277

102-A Woodwinds Industrial Court
Cary, NC 27511
(919) 467-3090 phone
(919) 467-3515
NELAP #E87610

www.encolabs.com

September 25, 2007

Perma-Fix of Orlando, Inc.
10100 Rocket Boulevard
Orlando, FL 32824

Re: Ft. Lauderdale Closure

Attention: Victor San Agustin

Environmental Conservation Laboratories, Inc. is pleased to submit the following quotation for analytical services, as requested September 25, 2007.

Sampling Supplies/Shipping Requirements

Shipping containers and bottles will be supplied by Environmental Conservation Laboratories, Inc. Samples must be iced from time of collection until received at the laboratory. Some analyses require special sample handling – please contact your Project Manager at the laboratory if you have any questions upon receipt of containers.

Quality Assurance

All of our facilities are accredited by NELAP and also maintain additional state certifications and approvals throughout the Southeast and Mid-Atlantic regions. Unit pricing includes adherence to and documentation of compliance with applicable Quality Assurance/ Quality Control protocols for each procedure performed. Our Quality Assurance/ Quality Control program ensures acceptable accuracy and precision for each analytical method. All published data is defensible, with quality control results provided with every report.

Analytical Requirements and Unit Pricing

Environmental Conservation Laboratories, Inc. anticipates receiving samples from Perma-Fix of Orlando, Inc. from the proposed **Ft. Lauderdale Closure** project in the near future. These samples will be analyzed for the parameters listed in the Analytical Requirements and Unit Pricing section below.

Qty	Matrix	Method, Parameter	Fee per Sample	Total
1	Water	8260B (Full List)	\$100.00	\$100.00
1	Water	8270C (Full List)	\$250.00	\$250.00
1	Water	RCRA (8) Metals	\$120.00	\$120.00
2	Soil	8260B (Full List)	\$100.00	\$200.00
2	Soil	8270C (Full List)	\$250.00	\$500.00
2	Soil	RCRA (8) Metals	\$120.00	\$240.00
TOTAL				\$1,410.00

Comments/Special Considerations:

Quote Expiration Date: September 25, 2007

This quote shall expire 120 days from the above date.

Terms and Conditions:

In the absence of a written agreement, acceptance of samples is in accordance with Environmental Conservation Laboratories, Inc.'s attached Standard Terms and Conditions of Sale. All payment is due net thirty (30) days from invoicing date unless special arrangements have been requested and approved by ENCO.

Perma-Fix of Orlando, Inc.
Victor San Agustin
Page 3

Reporting Format

A final report summarizing all data and Quality Assurance/Quality Control results will be forwarded no later than one (1) day following completion of analyses. Additionally, ***numerous electronic reporting options are available*** – contact your Project Manager for details.

ENCO's standard Hardcopy Report includes the following minimum information:

Date of Sample Collection/Receipt/Extraction/Analysis

Analytical Data

Matrix Spike/Matrix Spike Duplicate Recoveries

Laboratory Check Sample Recoveries

MS/MSD Relative Percent Differences

Laboratory Blank Data

Surrogate Recoveries

Original Chain-of-Custody

Sample Disposal/Invoicing

Samples will be disposed of thirty (30) days after the report date, unless prior arrangements have been made with the laboratory. Samples will be held longer, upon request, on a fee per month basis.

To ensure successful completion of your project, I urge you to communicate any unanticipated changes in the scope of work (i.e., methods, project start up dates, numbers of samples, matrices, etc.) to either myself or the laboratory - as soon as possible. Should you require further information, please do not hesitate to contact me at (407) 826-5314.

Sincerely,
ENVIRONMENTAL CONSERVATION LABORATORIES, INC.

James W. Gregory

James W. Gregory
Senior Vice President

ENVIRONMENTAL CONSERVATION LABORATORIES, INC.

TERMS AND CONDITIONS

When a Client places an Order for any work to be done by Environmental Conservation Laboratories, Inc. ("ENCO"), the Order constitutes an acceptance by the Client of ENCO's offer to do business under these Terms and Conditions, and an agreement to be bound by these Terms and Conditions. No contrary or additional terms and conditions expressed in a Client's document shall be deemed to become a part of the contract created upon acceptance of these Terms and Conditions, unless accepted by ENCO in writing. A written agreement signed by both ENCO and Client may supersede some or all of these Terms and Conditions.

1. Orders, Samples, Services

The Client may place an Order by specifying a Scope of Work in writing or by telephone subsequently confirmed in writing. The Order shall not be valid unless it contains sufficient specification to enable ENCO, in its sole discretion, to carry out the Client's requirements. Samples must be accompanied by: a) adequate instruction on type of analysis requested, and b) complete written disclosure of the known or suspected presence of any hazardous substances, as defined by applicable federal or state law. If any samples not accompanied by adequate disclosure cause interruption in ENCO's ability to process work due to contamination, the Client will be responsible for all costs associated with the contamination, including, but not limited to, clean-up and restoration of equipment and premises, and costs associated with ENCO's business interruption. All turnaround times must be mutually agreed upon and will be calculated from Sample Delivery Acceptance, which is the point in time when ENCO has determined that it can proceed with the defined work following receipt, inspection of samples, and resolution of any discrepancies in Chain of Custody forms and project guidance regarding work to be done. Sample delivery alone does not constitute acceptance by ENCO. Prior to Sample Delivery Acceptance at ENCO, the entire risk of loss of or damage to samples remains with the Client. In no event will ENCO have any responsibility or liability for the action or inaction of any carrier shipping or delivering any sample to or from ENCO's premises. Client is responsible to ensure that sample shipments comply with all applicable material shipping and labeling laws and regulations. ENCO reserves the right to refuse or revoke Sample Delivery Acceptance for any sample which in ENCO's sole discretion: a) may pose a risk in handling, transport or processing; b) is of unsuitable volume; or c) holding times cannot be met. Unless otherwise specified by the Client and agreed to in writing by ENCO, sample materials will be held for 30 days following the date of the invoice for the work. After thirty days, any remaining materials will, in ENCO's sole discretion, be returned to the Client at the Client's expense or disposed of by ENCO.

2. Payment Terms

Services performed by ENCO will be in accordance with prices quoted and later confirmed in writing or as stated in its most recent Price List. Prices are subject to change periodically without notice. The prices quoted or stated in the Price List do not include any sales, use or other taxes unless specifically stated. All payment shall be made in currency of the United States of America. Checks drawn on foreign banking institutions are not accepted. Payment in advance is required for all Clients except those whose credit has been established with ENCO. For Clients with approved credit, payment terms are net 30 days from the date of invoicing by ENCO. All late payments are subject to an additional interest and service charge of one and one-half percent (1.5%) (or the maximum rate permissible by law, whichever is less) per month or portion thereof from the due date until the date of payment. All fees are the responsibility of the Client. ENCO will not bill a third party without a statement signed by the third party that acknowledges and accepts payment responsibility. Client remains responsible for payment of services billed to a third party. ENCO may suspend work and withhold delivery of data at any time in the event: a) Client fails to make timely payment of any of its invoices; or b) ENCO receives an unfavorable credit report on Client. Client shall be responsible for all

costs and expenses of collection, including reasonable attorneys' fees. Client is responsible for work done prior to suspension of work.

3. Change Orders, Termination

Changes to the Scope of Work, price or result delivery date may be initiated by ENCO after Sample Delivery Acceptance due to any condition which conflicts with analytical or other protocols warranted in these Terms and Conditions. Changes to the Scope of Work may be initiated by the Client after Sample Delivery Acceptance. Such a change must be documented in writing and may result in a change in cost and turnaround time commitment. ENCO may in its sole discretion refuse to accept such changes, and ENCO's acceptance of such changes is contingent upon technical feasibility and operational capacity. Suspension or termination of all or any part of the work may be initiated by the Client. ENCO will complete all work in progress and Client is responsible for payment in full pursuant to these Terms and Conditions for all work completed.

4. Warranties, Liabilities, and Indemnification

Where applicable, ENCO will use analytical methodologies which are in substantial conformity with published test methods. ENCO has implemented these methods in its Laboratory Quality Manuals and referenced Standard Operating Procedures. Where, in ENCO's sole discretion, the nature or composition of the samples requires it, ENCO reserves the right to deviate from these methodologies to the extent necessary or appropriate, in ENCO's sole discretion. Client may request that ENCO perform according to a mutually agreed written Quality Assurance Project Plan (QAPP). In the event that samples arrive prior to agreement on a QAPP, ENCO will proceed with analyses under its standard Quality Manuals then in effect, and ENCO will not be responsible for any reanalysis or other charges if work must be repeated to comply with a subsequently finalized QAPP. ENCO shall start preparation and/or analysis within method-specified holding times provided that Sample Delivery Acceptance occurs within 48 hours of sampling or within 1/3 of the holding time for the test, whichever is less. Where resolution of inconsistencies leading to Sample Delivery Acceptance does not occur within this period, ENCO will use its best efforts to meet holding times and will proceed with the work provided that, in ENCO's judgment, the chain of custody or definition of the Scope of Work provide sufficient guidance. Reanalysis of samples to comply with ENCO's Quality Manuals will be deemed to have met holding times provided the initial analysis was performed within the applicable holding time. Where reanalysis demonstrates that sample matrix interference is the cause of failure to meet any Quality Manual requirements, the warranty will be deemed to have been met. These warranty obligations are the sole and exclusive warranties given by ENCO in connection with any services performed by ENCO or any Results generated from such services, and ENCO gives and makes **NO OTHER REPRESENTATION OR WARRANTY OF ANY KIND, EXPRESS OR IMPLIED**. No representative of ENCO is authorized to give or make any other representation or warranty or modify this warranty in any way. Client's sole and exclusive remedy for the breach of warranty in connection with any services performed by ENCO, will be limited to repeating any services performed, contingent on the Client's providing at the request of ENCO and at the Client's expense, additional sample(s) if necessary. Any reanalysis requested by the Client generating Results consistent with the original Results will be at the Client's expense.

ENCO's liability for any and all causes of action arising out of or related to this agreement or in connection with provision of services, whether based in contract, tort, warranty, negligence or otherwise, shall be limited to the lesser amount of compensation for the service performed or \$1,000. Under no circumstances, whether arising in contract, tort (including negligence), or otherwise, shall ENCO be responsible for loss of use, loss of profits, or for any special, indirect, incidental or consequential damages occasioned by the services performed or not performed or

by application or use of the reports prepared. Client agrees that these limitations appropriately reflect the business risk and are not unconscionable. In no event shall ENCO have any responsibility or liability to the Client for any failure or delay in performance by ENCO which results, directly or indirectly, in whole or in part, from any cause or circumstance beyond the reasonable control of ENCO. Such causes and circumstances shall include, but not be limited to, acts of God, acts of Client, acts or orders of any governmental authority, strikes or other labor disputes, natural disasters, accidents, wars, civil disturbances, equipment breakdown, matrix interference or unknown contaminated samples that impact instrument operation, unavailability of supplies from usual suppliers, difficulties or delays in transportation, mail or delivery services, or any other cause beyond ENCO's reasonable control. The Client hereby agrees to indemnify and defend ENCO from any and all claims by any third party arising out of or related to that party's reliance upon the Results provided by ENCO, irrespective of ENCO's negligence or its failure to comply with its warranties or other obligations hereunder. Notwithstanding the Client's duty to indemnify and defend ENCO, the Client may not unreasonably withhold ENCO's right to defend its data.

5. Results, Work Product

Data or information provided to ENCO or generated by services performed under this agreement shall become the property of Client only upon receipt in full by ENCO of payment for the entire Order. Ownership of any analytical method, QA/QC protocols, software programs or equipment developed by ENCO for performance of work will be retained by ENCO, and Client shall not disclose such information to any third party. In the event that ENCO is required to respond to legal process related to services for Client, Client agrees to reimburse ENCO for hourly charges for personnel involved in the response and attorneys' fees reasonably incurred associated with the litigation and ENCO's response.

6. Miscellaneous Provisions

These Terms and Conditions, together with any additions or revisions which may be agreed to in writing and signed by ENCO, represent the entire agreement between the parties and provide the only remedies available. These Terms and Conditions shall supersede any previous communication, representations or agreements, either verbal or written, between the Client and ENCO. The invalidity or unenforceability, in whole or in any part, of any provision, term or condition hereof shall not affect the validity or enforceability of the remainder of these terms and conditions or their interpretations. No waiver by ENCO of any provision, term or condition hereof or of any obligation of the Client shall constitute a waiver of any subsequent breach of other obligation. These Terms and Conditions and any transactions or agreements to which they apply as well as any dispute between ENCO and the Client, whatever its basis, shall be governed by the laws of the State of Florida. The Client waives any defense of personal jurisdiction or forum non conveniens (inconvenient forum) and agrees to submit to personal jurisdiction of the courts of the State of Florida. The Client agrees that the sole and exclusive venue for any action filed in connection with any dispute arising between Client and ENCO shall be in a court of competent jurisdiction in Orange County Florida. **THE CLIENT EXPRESSLY WAIVES THE RIGHT TO TRIAL BY JURY IN ANY SUCH ACTION.**

Attachment 3

**Corrected Typo
"Prohibited Wast"**

10.2 Nicad (Nickel/Cadmium) Batteries

Nicad batteries are managed as universal wastes in accordance with 40 CFR 273. Nicad batteries are placed in DOT-approved containers and are shipped to a nicad battery recycler for recycling. When properly managed as universal wastes, nicad batteries are not subject to waste analysis plan requirements. A material profile form is completed for nicad batteries. Appendix 5 contains an example of such a material profile form.

When it is not possible to manage nicad batteries as universal waste, nicad batteries must also be placed in DOT approved containers and managed as a hazardous waste. Analytical testing for hazardous waste nicad batteries shall be dictated by the waste analysis plan of the hazardous waste facility terminating the manifest. Documentation of this waste analysis shall be through the material profile form. If any indication (e.g., visual, odor, etc...) exists that batteries have been commingled with other waste, the batteries shall be rejected. A sample of the commingled waste shall be obtained for waste analysis pursuant to Section 6.0 above.

11.0 Universal Waste Lamps and Devices

Universal waste lamps and devices are managed and accumulated by PFFL in small quantities (< 5,000 kg) as universal wastes in accordance with 40 CFR 273 Subpart B. When properly managed under 40 CFR 273, universal waste lamps and devices are not subject to waste analysis plan requirements. A material profile form is completed for lamps and devices managed as universal waste. Appendix 5 contains an example of such a material profile form. PFFL sends universal waste lamps and devices to a licensed recycler.

When it is not possible to manage lamps/devices as universal waste such as when lamps are broken or crushed or devices are leaking, must be placed in DOT approved containers and managed as a hazardous waste. Analytical testing for hazardous waste lamps and associated devices shall be dictated by the waste analysis plan of the hazardous waste facility terminating the manifest. Documentation of this waste analysis shall be through the material profile form.

12.0 Prohibited Waste

PFFL does not accept radioactive waste or PCB waste or hazardous waste for processing / treatment onsite.

the protection of personnel and the prevention of adverse impact being paramount concerns. Tanks are thickness-tested approximately once every 5 years and a tank system integrity assessment is performed by a professional engineer registered in Florida also approximately once every five years.

The General Manager is responsible for implementation of the inspection program as well as directing the required corrective measures. Facility and tank inspections are conducted daily. Daily inspection logs are illustrated in Appendix A. All inspection logs are retained for a minimum of three years.

Tanks used to store used oil are labeled with the words "used oil". All containers containing oily waste are labeled with a description of the waste contained (i.e., oily sludge, oily rags, etc...)

62-762.700 Repairs, Operation, Maintenance of Storage System

In the event any component of a storage tank system is discovered to have discharged or contributed to the discharge of a pollutant, that component shall be isolated from the system, if possible, and not used until the component is repaired or replaced. If the storage tank system or any component of the system cannot be operated, the storage tank system shall not be operated until the component has been repaired or replaced. If a tank has discharged or contributed to the discharge of a pollutant, the tank shall be taken out of service until the tank has been repaired or replaced.

All repairs to storage tank systems shall be made in a manner which prevents any discharge from the storage tank system due to structural failure or corrosion for the remaining useful life of the storage tank system.

Sludge is removed from each tank approximately once every 5 years.

Perma-Fix shall maintain records of any repairs, excluding routine maintenance, to a storage tank system for the remaining life of the system.

Secondary containment shall be repaired as necessary to maintain product tightness and containment volume of the system, including but not limited to sealing of cracks in the concrete, repairing punctures, and maintaining the containment walls.

Containment and Diversion Structures

The following containment systems are in use at the facility:

Secondary containment is provided for all tanks and drums used to store material at the facility as illustrated in the SPCC plan. PFFL stores used oil only in tanks and containers. The units are in good condition without severe rust and apparent structural defects or deterioration. There are no visible leaks. All containers used to store used oil and/or other non-hazardous and hazardous wastes are equipped with concrete berms capable of containing >20% of the volume of material stored.

The secondary containment system for the above ground storage tanks is capable of containing 110% of the contents of the largest tank. The containment system consists

of a concrete floor (approximately 24 inches thick) and walls (8 inches thick) sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out and into the soil and/or groundwater. Concrete containment areas are sealed with an epoxy coating to enhance the containment system. There are no underground tanks located at the site. In addition, loading and unloading areas are located in secondary barrier containment.

62-762.800, F.A.C. Out of Service Requirements

A Closure Plan meeting the requirements of rule 62-762.800 is presented in Attachment L.

Released Material and Accumulated Precipitation

PFFL's inspection schedule provides for the tank system to be inspected by assigned personnel on a daily basis. Any spilled or leaked material will be removed from the secondary containment system within 24 hours of detection of the spill or leak. Precipitation will be removed from secondary containment system within 48 hours after the precipitation has stopped.

The spilled material will be transferred to an appropriate storage tank. Precipitation will be transferred to the facility's wastewater treatment system tanks.

Attachment 4

**Home and Work Addresses of
Emergency Coordinators
See Attached Page 5 of 18**

CONTINGENCY PLAN & EMERGENCY PROCEDURES

RECEIVED
OCT 02 2007
DEPT of ENV PROTECTION
WEST PALM BEACH

PERMA-FIX OF FORT LAUDERDALE, INC.

**3701 S.W. 47th Avenue, Suite 109
Davie, FL 33314**

Sept. 27, 2007

(Revision 1)

prepared by

Victor L. San Agustin

Director of Compliance

Perma-Fix Environmental Services, Inc.

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1.0 Introduction

1.1 Purpose

The purpose of this plan is to minimize hazards to human health and the environment from fire, explosion, and/or any unplanned sudden release of hazardous materials or waste to the environment. This plan is to be implemented immediately whenever there is a fire, explosion, and/or sudden release of material / waste that could threaten human health and/or the environment.

This document establishes a Contingency Plan and Emergency procedures that complies with the following permits and licenses.

- a. FDEP Hazardous Waste Transporter/Transfer Facility
No. FLD 981 018 773
- b. FDEP Used Oil / Solid Waste Processing Facility No. 50030-UO
- c. DPEP Hazardous Materials Storage Facility No. STO-2791
- d. DPEP Hazardous Materials Transfer Facility No. HTS-006
- e. DPEP Industrial Sludge Hauler No. 60045

1.2 Scope

This contingency plan and emergency procedures was developed in accordance with:

Code of Federal Regulations:	40 CFR 279.52(b)
Florida Administrative Code:	62-730.171(2)(a) [40 CFR 265 Subpart C&D]
Broward County Codes:	27-306(b)(8), 27-368(c)(4)(e), 27-368(d)(3)(f)

1.3 Responsibilities

The General Manager or his designee is responsible for modifying this plan, as needed, to reflect changes in facility operations and/or county, state, or federal regulations. The General manager or his/her designee is responsible for the implementation of this plan in the event of an emergency and/or accidental release of material/waste. The General Manager is responsible for ensuring that all employees are familiar with the content of this plan and are able to implement it, if needed.

The General Manager is responsible for ensuring that this plan is posted and accessible to all employees. In the absence of the General Manager, the Operations Manager is responsible for implementing the plan in the event of an emergency and/or accidental release of material / waste.

All plant employees are responsible for reading, understanding, and implementing this plan in the event of an emergency and/or accidental release of material / waste.

2.0 General Information

Facility Name: Perma-Fix of Fort Lauderdale, Inc.

Facility Location: 3670 SW 47th Avenue
Davie, FL 33314

Office Address: 3701 SW 47th Avenue, Suite 109
Davie, FL 33314

EPA ID Number: FLD 981 018 773

Facility Activities: Used Oil / Solid Waste Processing, 10 Day Hazardous
Waste Transfer Facility, Biomedical Waste Storage Facility

3.0 Implementation of Contingency Plan

The provisions of this plan will be carried out immediately whenever there is a fire, explosion, or sudden release of hazardous material / waste to the environment.

4.0 Arrangement with Local Emergency Response Agencies

Arrangements with local authorities have been established by providing the Davie Police Department, Davie Fire Department, Plantation General Hospital, and Broward General Hospital with a copy of this plan and a letter requesting their assistance in the event of an emergency. Refer to Appendix A for a copy of all correspondences. In the event of a revision of this plan, a copy will be submitted to the above referenced agencies.

5.0 Copies of the Contingency Plan

A copy of the Contingency Plan and all associated revisions will be maintained at the facility and the office. A copy of the plan will be submitted to the Davie Police Department, Davie Fire Department, Plantation General Hospital, and Broward General Hospital. Additional copies of this plan are available from the General Manager.

6.0 Amendments to Contingency Plan

This plan will be revised, if necessary, whenever:

- a. Applicable ordinances or regulations are revised;
- b. The plan fails in an emergency;

- c. The facility changes in a manner that materially increases the potential for fires, explosions, or the release of hazardous materials / waste, or changes the response necessary in an emergency,
- d. The Emergency Coordinators change,
- e. The list of emergency equipment changes.

In the event of revisions to this plan, a revised copy will be submitted to the authorities identified in Section 4.0. A revised copy of this plan will also be maintained at the facility and office.

7.0 Emergency Coordinators

The following identifies the facility's primary and alternate emergency coordinators (EC):

Primary:	John P. "Shawn" Lennon, Jr. General Manager (954)583-3795 (office) (954)296-3873 (cell) Home - 9140 SW 49 th St., Cooper City, FL 33328 Work - 3701 S.W. 47 th Avenue, Suite 109, Davie, FL 33314
Alternate:	Steven T. Swett Operations Manager (954)791-1327 (office) (954)296-3871 (cell) Home - 6250 Palm Trace Landings Dr., Davie, FL 33314 Work - 3670 S.W. 47 th Avenue, Davie, FL 33314

At all times, there will be at least one EC either at the facility or on call who is available to respond to an emergency by reaching the facility within a short period of time and has the responsibility of coordinating all emergency response activities. The EC will be familiar with all aspects of this plan, all operations, and activities at the facility, the location and characteristics of the waste handled, the location of all records within the facility, and the facility layout. Additionally, the EC has the authority to commit the resources needed to carry out this plan.

8.0 Emergency Procedures

8.1 Identifying Releases and Hazards

Whenever there is a release, fire, or explosion, the EC will immediately identify the characteristics, exact source, amount, and a real extent of any released material / waste. The EC will do this by observation or review of facility records / manifests and, if necessary, by chemical analyses.

Concurrently, the EC will assess possible hazards to human health or the environment that may result from a release, fire, or explosion. This assessment will consider both direct and indirect effects of a release, fire, or explosion such

as toxic gases, or the effect of any hazardous surface water runoff from water or chemical agents used to control the situation.

8.2 Notification and Reporting

Whenever there is an imminent or actual emergency, the EC or his designee, will immediately activate the facility communication system and notify all facility personnel. The facility communication system includes a telephone, a two-way radio system, and horn signals. The EC will also notify the following agencies as indicated:

- a. Town of Davie Fire Department via 911 (**Immediately**)
- b. DPEP via 954/765-4900 (**within 24 hours**)
- c. Florida Dept. of Environmental Protection via 561/681-6600 (**within 24 hours**)
- d. Florida Bureau of Disaster Preparedness via 850/413-9911 or 800/320-0519 (**within 24 hours**)

Notification of additional local authorities listed in Appendix B may be conducted, as deemed necessary by the EC.

If the EC determined that the facility has had a release, fire, or explosion which could threaten human health or the environment outside the facility boundaries, he will report his findings as follows:

- a. If the EC's assessment indicated that the evacuation of the local area may be advisable, he will notify the local authorities identified above. Additional assistance from local authorities listed in Appendix B may be obtained as deemed necessary by the EC. The EC will be available to assist local authorities in deciding whether evacuation of the immediate area is needed.
- b. The EC will immediately notify the National Response Center at 800/424-8802 and report the following information:
 - i) Name and telephone number;
 - ii) Name and address of facility;
 - iii) Time and type of accident;
 - iv) Name and quantity of material involved and to the extent known;
 - v) Possible hazards to human health and the environment, outside the facility boundaries.

8.3 Emergency Procedures

During an emergency, the EC will take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, or spread to other hazardous material / waste at the facility. These measures may include stopping operation, collecting and containing released material / waste, and removing or

isolating containers. If the facility stops operating, the EC will monitor for leaks, pressure build up, or rupture in valves, pipes, etc...

After an emergency, the EC will provide for treatment, storage, and disposal of recovered material / waste including contaminated soil, water, or other material. The treatment, storage, and disposal of recovered material / waste will be conducted in accordance with applicable local, state, and federal regulations. Waste management companies utilized in the treatment, storage, and disposal of recovered material / waste will be chosen at the EC's discretion. The EC will ensure that, in the affected areas of the facility, no material/waste is incompatible with the released materials until clean-up procedures are completed. All emergency equipment listed in this plan (Appendix C) will be cleaned, if necessary, and fit for its intended use before operations are resumed.

8.4 Emergency Equipment

A list of emergency equipment available on site is contained in Appendix C.

8.5 Evacuation of Facility

The EC is responsible for determining which emergencies require evacuation. The EC may deviate from the evacuation procedures identified below if necessary to bring the situation under control. An evacuation route map and a site location map are illustrated in Appendix D and E respectively. In the event of a plant evacuation, the following steps will be taken:

- a. The signal for evacuation will be given which consists of three long blasts of the air horn. The two-way radio system will be used to notify/divert incoming drivers.
- b. All vehicle traffic within the Plant will cease. Visitors, contractors, and customers will no longer be allowed in the facility.
- c. All personnel, visitors, contractors, and customers will immediately leave through the main gate.
- d. No persons will be allowed to enter the plant without authorization from the EC and senior fire department representative.
- e. All persons evacuating the plant will assemble southwest of the plant on the west side of SW 47th Avenue at a point chosen by the EC. The assembly point will be within the vicinity of the location identified on the evacuation route map. (Appendix D).
- f. The EC will conduct a head count to confirm that all persons within the facility are present. Any person not accounted for will be immediately reported to the senior fire department representative.

- g. After the emergency, no personnel will be allowed to re-enter the plant until authorization is obtained from the senior fire department representative and the EC.

9.0 Recordkeeping

The EC will submit a written closure plan to the Broward County Department of Planning and Environmental Protection within 5 days of the incident.

The EC will notify the Florida Department of Environmental Protection in writing before operations resume:

- a. In the affected area(s) of the facility, no material/waste is incompatible with the released material, and
- b. All emergency equipment listed in this plan is clean and fit for its intended use.

The EC will document in the facility's operating record the time, date, and details of any incident that required the implementation of this plan. Within 15 days after the incident, the EC will submit a written report on the incident to the Florida Department of Environmental protection. The report will include the following information:

- a. Name, address, and telephone number of the owner/operator.
- b. Name, address, and telephone number of the facility,
- c. Date, time, and type of incident,
- d. Name and quantity of materials involved,
- e. The extent of injuries, if any,
- f. An assessment of actual or potential hazards to human health and the environment, if any,
- g. Estimated quantity and disposition of recovered material resulting from the incident.

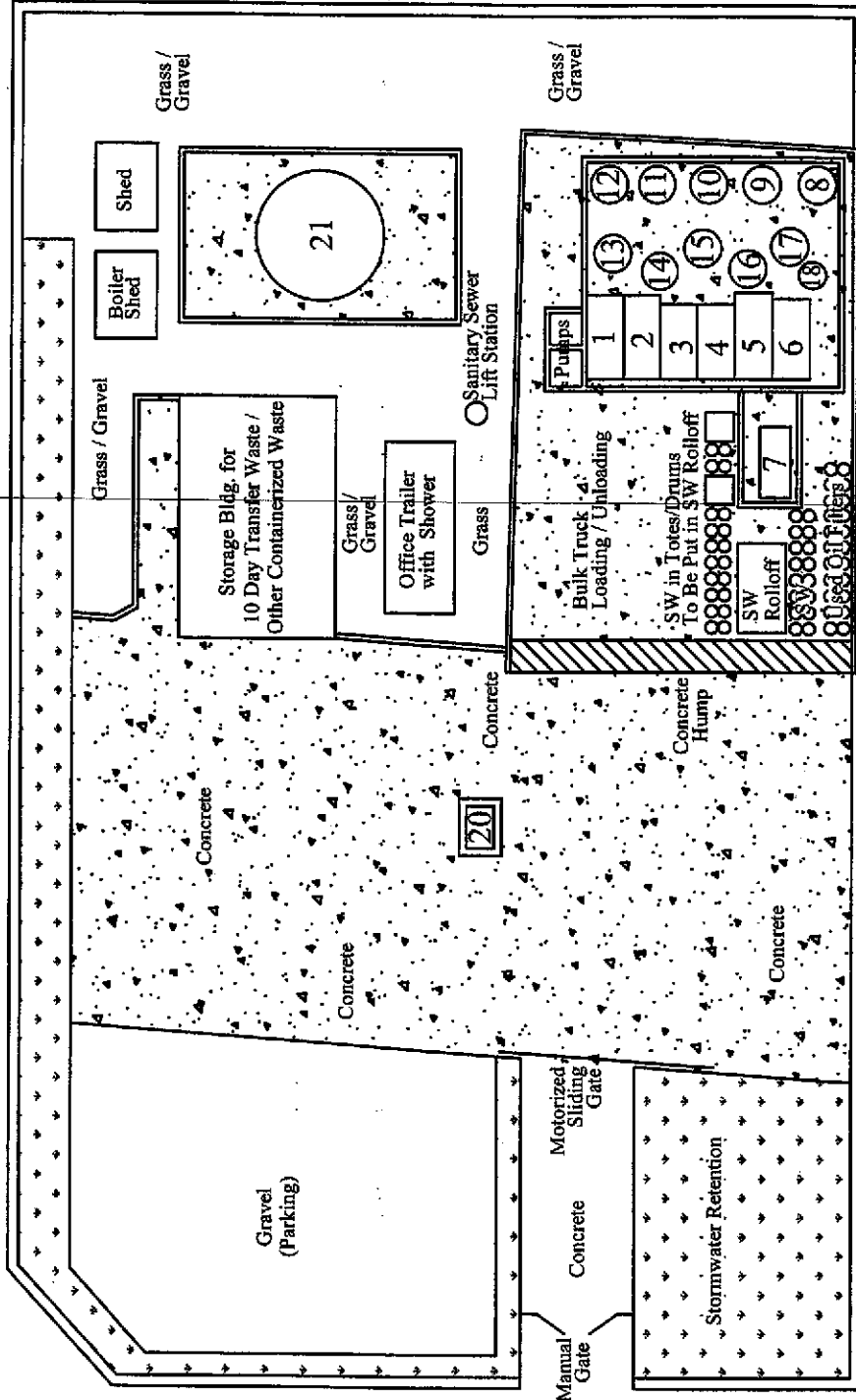
Attachment 5

**8 ½" x 11" Site Layout
Perma-Fix of Fort Lauderdale, Inc.**



Oakes Road a.k.a. S.W. 36th Street

S.W. 47th Avenue



Note: For tank contents, please see Table 1 in Appendix 1 of used oil processor permit renewal application.

Perma-Fix of Fort Lauderdale, Inc.
 3670 S.W. 47th Avenue, Davie, FL 33314
 tel. 954/583-3795 fax 954/583-8017

Fig. 1 - Site Layout
 Perma-Fix of Fort Lauderdale, Inc.

DATE	FILE	SCALE	DRAWN BY
09/26/07	pffisitelayout.dwg	NONE	VSA

FILE COPY**Kantor, Karen E.**

From: Register, Harold
Sent: Friday, November 18, 2005 4:35 PM
To: Outlaw, Douglas
Cc: Posner, Augusta; Warden, Stan; Kantor, Karen E.
Subject: Broward County Technical Opinion regarding Perma-Fix of Ft. Lauderdale Resampling effort

FYI

JR

Harold D. Register Jr., EI
Engineering Specialist III
Hazardous Waste Regulation Section (RCRA)

Work (general) (850)245-8707
Work (direct line) (850)245-8796
Work (suncom) 205-8796
Work Fax (850)245-8810

Florida Department of Environmental Protection
Hazardous Waste Regulation Section
2600 Blairstone Road MS 4560
Tallahassee, FL 32399-2400

<http://www.dep.state.fl.us/>

Please note: Florida has a very broad public records law. Most written communications to or from state officials are public records and may be made available to the public or media upon request. This e-mail communication, your reply, and future e-mails to my attention may therefore be subject to public disclosure.

From: Vanlandingham, David [mailto:DVANLANDINGHAM@broward.org]
Sent: Friday, November 18, 2005 4:21 PM
To: Register, Harold
Cc: Fernandez, Lorenzo
Subject: PermaFix Soil Sampling

Hey JR,

Attached is the pdf of my Memorandum.

Could you please send me your mailing address (complete with MS number) so that I can drop a signed hardcopy in the mail for you?

Thanks again.

David Vanlandingham, P.E.
Engineer IV
Broward County Environmental Protection Department
PLEASE NOTE OUR NEW ADDRESS!

11/21/2005



ENVIRONMENTAL PROTECTION DEPARTMENT – Pollution Prevention and Remediation Division
Mailing Address: 115 South Andrews Avenue, Room A-240 • Fort Lauderdale, Florida 33301
954-519-1260 • FAX 954-765-4804

MEMORANDUM

TO: Harold D. (JR) Register, Jr., E.I., Engineering Specialist III
FDEP Hazardous Waste Regulation Section (RCRA)

FROM: David Vanlandingham, P.E., Engineer IV
Broward County EPD Environmental Assessment and Remediation (EAR) Section

CC: Lorenzo Fernandez, P.E., Manager, EAR Section
Michael Owens, Esq., Assistant County Attorney
File

DATE: November 18, 2005

RE: **Review of Soil Assessment and Resampling at the Perma-Fix Facility**
3701 SW 47th Ave., Davie, FL; FDEP Facility No. 069102123

I have reviewed the *Soil Assessment at the Perma-Fix Facility*, dated July 5, 2005, and the *Soil Resampling at the Perma-Fix Facility*, dated September 19, 2005. Both documents were prepared by REP Associates, Inc. (REP), and received by RCRA on October 3, 2005. As the Broward County Project Manager for ongoing petroleum contaminant cleanup on the PMI Facility (Facility ID 069300963), which adjoins the Perma-Fix facility to the south, I wish to provide herein comments and technical opinions for your consideration in response to these documents.

Corrections

REP's statement in the *Soil Resampling* that benzo(a)pyrene was found at a concentration of 2.4mg/kg at a depth of 26in below land surface (BLS) is incorrect. This analytical result is actually from the original sampling at a depth of 20in BLS. The laboratory analytical report in the *Soil Resampling* indicates a concentration of 1.1mg/kg at 20in BLS and 0.4mg/kg at 12in BLS.

Comments

Benzo(a)pyrene was the only contaminant identified in boreholes 1 and 2 in the *Soil Assessment*. The benzo(a)pyrene results, however, are suspect because they have a qualifier code of "I," meaning that results are between the detection limit and the practical quantitation limit.

Boreholes 1 and 2 as identified in the *Soil Assessment* were collected from undisturbed soils in closest proximity to the pipe that was located on the eastern portion of the Perma-Fix and PMI facilities. PMI has asserted that this pipe was a conduit of contamination onto the PMI property from the Perma-Fix facility. However, the sampling results from boreholes 1 and 2 note no residual effects from the documented Perma-Fix spill (or any other discharge).

The original and resampling results of borehole 3 at a depth of 12in BLS differ significantly; yet these samples were obtained 10in apart. It should be noted that when comparing the original and resampling results of samples obtained at depth, one should bear in mind that the original was obtained at 26in BLS, and the resample was obtained at 20in BLS. Accordingly, while it may be reasonable to accept the 12in BLS resample results as superseding the original, I would recommend that the 20in BLS resampling result and the 26in BLS original result be considered independently.

Broward County Board of County Commissioners

Josephus Eggelation, Jr. • Ben Graber • Sue Gunzburger • Kristin D. Jacobs • Ilene Lieberman • John E. Rodstrom, Jr. • Jim Scott • Diana Wasserman-Rubin • Lois Wexler
www.broward.org

Based upon resampling results for 12in BLS, benzo(a)pyrene exceeds residential target level and TRPH exceeds leachability target level. Based upon results for 20in BLS, benzo(a)anthracene exceeds leachability target level, benzo(a)pyrene exceeds residential and commercial target levels, benzo(b)fluoranthene exceeds residential target level, dibenz(ah)anthracene exceeds residential target level, and TRPH exceeds leachability and residential target levels. At 26" in depth in the original sample, the concentrations are even higher than the 20in results. Accordingly, contaminant concentrations in the original and resampling results consistently show that contaminants were identified at increasing concentration with increasing depth. Because the area of soil sampling is covered by concrete and not prone to soil desportion or leaching by the filtration of precipitation, one would expect contaminant concentrations to be higher in surficial soils than at depth if the release had originated from Perma-Fix's aboveground storage tank farm.

Based upon a review of historical soil assessment data obtained for the PMI Facility, the contaminants identified in the Perma-Fix assessment are identical to those identified in soil borings collected previously from underneath PMI's above ground storage tank farm, located on the south side of PMI's property. TRPH values, specifically, from PMI's tank farm were much higher. Free product was photographed leaching out from underneath PMI's tank farm during a site inspection conducted on April 4, 2003. The contaminant signature is also similar to borings which were collected from locations stretching north and west from PMI's aboveground storage tank farm, which typically decreased in concentration as the boring locations approached the Perma-Fix Facility.

As noted by REP in the *Soil Resampling*, borehole 3 is immediately adjacent to the northwest corner of former excavation work conducted by PMI to remove contaminated soils. That contamination remains undelineated.

Opinions

I concur with REP's technical conclusions made in the *Soil Resampling*.

Soil samples obtained from boreholes 1 and 2 do not contain contaminants indicative of remaining contamination stemming from the historical Perma Fix spill, which was closed through a Site Rehabilitation Completion Order (SRCO) dated September 14, 2000, or of any other discharge.

The contaminant signature of the samples obtained from borehole 3 is identical to the contaminant signature identified at the adjoining PMI facility; however, free-phase petroleum product and TRPH concentrations at much higher concentrations were identified underneath and near PMI's aboveground storage tank farm. Accordingly, an alternate source (PMI) appears to be the likely source for the residual contamination noted in borehole 3.

Based upon the additional results provided by Perma-Fix, I see no evidence to require further actions by Perma-Fix or to support rescission of the September 14, 2000 SRCO. In the absence of any additional evidence to support the claim that contamination remains as a result of the Perma-Fix spill, the Perma-Fix SRCO should remain in effect without modification.

Kantor, Karen E.

From: Register, Harold
Sent: Friday, November 18, 2005 4:35 PM
To: Outlaw, Douglas
Cc: Posner, Augusta; Warden, Stan; Kantor, Karen E.
Subject: Broward County Technical Opinion regarding Perma-Fix of Ft. Lauderdale Resampling effort

FYI

JR

Harold D. Register Jr., EI
Engineering Specialist III
Hazardous Waste Regulation Section (RCRA)

Work (general) (850)245-8707
Work (direct line) (850)245-8796
Work (suncom) 205-8796
Work Fax (850)245-8810

Florida Department of Environmental Protection
Hazardous Waste Regulation Section
2600 Blirstone Road MS 4560
Tallahassee, FL 32399-2400

<http://www.dep.state.fl.us/>

Please note: Florida has a very broad public records law. Most written communications to or from state officials are public records and may be made available to the public or media upon request. This e-mail communication, your reply, and future e-mails to my attention may therefore be subject to public disclosure.

From: Vanlandingham, David [mailto:DVANLANDINGHAM@broward.org]
Sent: Friday, November 18, 2005 4:21 PM
To: Register, Harold
Cc: Fernandez, Lorenzo
Subject: PermaFix Soil Sampling

Hey JR,

Attached is the pdf of my Memorandum.

Could you please send me your mailing address (complete with MS number) so that I can drop a signed hardcopy in the mail for you?

Thanks again.

David Vanlandingham, P.E.
Engineer IV
Broward County Environmental Protection Department
PLEASE NOTE OUR NEW ADDRESS!

11/21/2005



ENVIRONMENTAL PROTECTION DEPARTMENT – Pollution Prevention and Remediation Division
Mailing Address: 115 South Andrews Avenue, Room A-240 • Fort Lauderdale, Florida 33301
954-519-1260 • FAX 954-765-4804

MEMORANDUM

TO: Harold D. (JR) Register, Jr., E.I., Engineering Specialist III
FDEP Hazardous Waste Regulation Section (RCRA)

FROM: David Vanlandingham, P.E., Engineer IV
Broward County EPD Environmental Assessment and Remediation (EAR) Section

CC: Lorenzo Fernandez, P.E., Manager, EAR Section
Michael Owens, Esq., Assistant County Attorney
File

DATE: November 18, 2005

RE: **Review of Soil Assessment and Resampling at the Perma-Fix Facility
3701 SW 47th Ave., Davie, FL; FDEP Facility No. 069102123**

I have reviewed the *Soil Assessment at the Perma-Fix Facility*, dated July 5, 2005, and the *Soil Resampling at the Perma-Fix Facility*, dated September 19, 2005. Both documents were prepared by REP Associates, Inc. (REP), and received by RCRA on October 3, 2005. As the Broward County Project Manager for ongoing petroleum contaminant cleanup on the PMI Facility (Facility ID 069300963), which adjoins the Perma-Fix facility to the south, I wish to provide herein comments and technical opinions for your consideration in response to these documents.

Corrections

REP's statement in the *Soil Resampling* that benzo(a)pyrene was found at a concentration of 2.4mg/kg at a depth of 26in below land surface (BLS) is incorrect. This analytical result is actually from the original sampling at a depth of 20in BLS. The laboratory analytical report in the *Soil Resampling* indicates a concentration of 1.1mg/kg at 20in BLS and 0.4mg/kg at 12in BLS.

Comments

Benzo(a)pyrene was the only contaminant identified in boreholes 1 and 2 in the *Soil Assessment*. The benzo(a)pyrene results, however, are suspect because they have a qualifier code of "I," meaning that results are between the detection limit and the practical quantitation limit.

Boreholes 1 and 2 as identified in the *Soil Assessment* were collected from undisturbed soils in closest proximity to the pipe that was located on the eastern portion of the Perma-Fix and PMI facilities. PMI has asserted that this pipe was a conduit of contamination onto the PMI property from the Perma-Fix facility. However, the sampling results from boreholes 1 and 2 note no residual effects from the documented Perma-Fix spill (or any other discharge).

The original and resampling results of borehole 3 at a depth of 12in BLS differ significantly; yet these samples were obtained 10in apart. It should be noted that when comparing the original and resampling results of samples obtained at depth, one should bear in mind that the original was obtained at 26in BLS, and the resample was obtained at 20in BLS. Accordingly, while it may be reasonable to accept the 12in BLS resample results as superseding the original, I would recommend that the 20in BLS resampling result and the 26in BLS original result be considered independently.

Based upon resampling results for 12in BLS, benzo(a)pyrene exceeds residential target level and TRPH exceeds leachability target level. Based upon results for 20in BLS, benzo(a)anthracene exceeds leachability target level, benzo(a)pyrene exceeds residential and commercial target levels, benzo(b)fluoranthene exceeds residential target level, dibenz(ah)anthracene exceeds residential target level, and TRPH exceeds leachability and residential target levels. At 26" in depth in the original sample, the concentrations are even higher than the 20in results. Accordingly, contaminant concentrations in the original and resampling results consistently show that contaminants were identified at increasing concentration with increasing depth. Because the area of soil sampling is covered by concrete and not prone to soil desorption or leaching by the filtration of precipitation, one would expect contaminant concentrations to be higher in surficial soils than at depth if the release had originated from Perma-Fix's aboveground storage tank farm.

Based upon a review of historical soil assessment data obtained for the PMI Facility, the contaminants identified in the Perma-Fix assessment are identical to those identified in soil borings collected previously from underneath PMI's above ground storage tank farm, located on the south side of PMI's property. TRPH values, specifically, from PMI's tank farm were much higher. Free product was photographed leaching out from underneath PMI's tank farm during a site inspection conducted on April 4, 2003. The contaminant signature is also similar to borings which were collected from locations stretching north and west from PMI's aboveground storage tank farm, which typically decreased in concentration as the boring locations approached the Perma-Fix Facility.

As noted by REP in the *Soil Resampling*, borehole 3 is immediately adjacent to the northwest corner of former excavation work conducted by PMI to remove contaminated soils. That contamination remains undelineated.

Opinions

I concur with REP's technical conclusions made in the *Soil Resampling*.

Soil samples obtained from boreholes 1 and 2 do not contain contaminants indicative of remaining contamination stemming from the historical Perma Fix spill, which was closed through a Site Rehabilitation Completion Order (SRCO) dated September 14, 2000, or of any other discharge.

The contaminant signature of the samples obtained from borehole 3 is identical to the contaminant signature identified at the adjoining PMI facility; however, free-phase petroleum product and TRPH concentrations at much higher concentrations were identified underneath and near PMI's aboveground storage tank farm. Accordingly, an alternate source (PMI) appears to be the likely source for the residual contamination noted in borehole 3.

Based upon the additional results provided by Perma-Fix, I see no evidence to require further actions by Perma-Fix or to support rescission of the September 14, 2000 SRCO. In the absence of any additional evidence to support the claim that contamination remains as a result of the Perma-Fix spill, the Perma-Fix SRCO should remain in effect without modification.



Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road MS 4565
Tallahassee, Florida 32399-2400
May 9, 2005

Colleen M. Castille
Secretary

Mr. Jeffrey F. Green
Societe Generale
560 Lexington Avenue, 4th Floor
New York, New York 10022

Re: WACS 00055007 – U.S. Filter Recovery Services (Mid-Atlantic), Inc. (Pompano)
WACS 00071204 – U.S. Filter Recovery Services (Mid-Atlantic), Inc. (Ft. Pierce)

Dear Mr. Green:

In accordance with 40 CFR Part 264.143(d)(10)(i), as adopted by reference in Rule 62-701.630, Florida Administrative Code, we are returning to you for termination Societe Generale letters of credit numbered 53814 and 54052. U.S. Filter Recovery Services (Mid-Atlantic), Inc. is providing financial assurance through an approved alternate mechanism.

We hereby agree to the cancellation of these letters of credit. If you have any questions about this procedure, please contact Fred J. Wick at (850) 245-8742.

Sincerely,

Dotty Diltz, Assistant Director
Division of Waste Management

DD/tb

cc: Fred J. Wick, DEP/TLH
Bheem Kothur, DEP/TLH
Joe Lurix, DEP/WPB
Steve Brown, DEP/WPB



Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

August 26, 2005

Certified Return Receipt Requested
7003 2260 0006 0109 3623

Mr. David Hansen, Vice President
Perma-Fix of Ft. Lauderdale, Inc.
1940 N.W. 67th Place, Suite A
Gainesville, Florida 32653

RECEIVED
AUG 31 2005
DEPT OF ENV PROTECTION
WEST PALM BEACH

Subject: Perma-Fix of Ft. Lauderdale, Inc.
EPA ID: FLD 981 018 773
Used Oil Facility Closure Cost Estimates and Financial Assurance

Dear Mr. Hansen:

In accordance with Rule 62-710.800, Florida Administrative Code (F.A.C.) permits for Used Oil Processing Facilities must now provide financial assurance sufficient to cover the cost of closing the facility. This requirement is in two parts.

First, a Used Oil Facility Closing Cost Estimate Form (Form 62-710.901(7)) must be completed (in accordance with the provisions of the facility closing plan described in the company's Used Oil Processing Permit Application), signed, and submitted to the Department's Used Oil Permit Coordinator no later than December 9, 2005. The Used Oil Permit Coordinator will notify the applicant when the closing cost estimate is approved.

Second, within 60 days of receiving approval of the cost estimate from the Used Oil Permit Coordinator, the owner/operator shall submit proof of financial assurance sufficient to cover the estimated closing cost, using any of the tools allowed under 62-710.800(6), to Solid Waste Financial Coordinator.

Also note that the closing cost estimate must be annually adjusted for inflation in accordance with the provisions of this Rule.

All used oil processors must comply with this Rule by the dates specified. As this is a Rule requirement, there is no fee associated with this provision outside of any applicable permit or permit renewal fee.

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David Hansen
August 26, 2005
Page Two

If you have any questions regarding this issue, please feel free to contact the Used Oil Permit Coordinator, Bheem Kothur, at (850) 245-8781.

Sincerely,

A handwritten signature in black ink, appearing to read 'TJB', is positioned above the printed name.

Tim J. Bahr, Administrator
Hazardous Waste Regulation

TB/kt

Enclosure

cc: Raoul Clarke/Tallahassee
Fred Wick/Tallahassee
Augusta Posner/Tallahassee
✓ Jorge Patino/SE District



Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road MS 4565
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

August 5, 2005

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AUG 13 2005
DEPT OF ENV PROTECTION
WEST PALM BEACH

Mr. David Hansen
Vice President
Perma-Fix of Ft. Lauderdale, Inc.
1940 N.W. 67th Place, Suite A
Gainesville, Florida 32653

Re: WACS 00064664 - Perma-Fix of Ft. Lauderdale, Inc.

Dear Mr. Hansen:

I reviewed the documentation submitted to demonstrate financial assurance for the above referenced facility. The American International Specialty Lines Insurance Company insurance certificate identifying policy number 1959169 and signed on June 30, 2005, is acceptable as to form and content, and demonstrates financial assurance in the amount of \$519.

Pursuant to Rule 62-701.630, Florida Administrative Code (F.A.C.) (and now 62-710.800, F.A.C. as well), your closing cost estimate must be adjusted annually between January 1 and March 1. The latest Department approved closing cost estimate on file in the amount of \$505 is dated March 1, 2004. Annual cost adjustment may be made either by recalculating the estimate or by using the current inflation factor of 1.02. Please submit an updated cost estimate to your DEP permitting office for review and approval, with a copy to the Solid Waste Financial Coordinator at the letterhead address.

If you have questions concerning cost estimates, please contact your permitting office. If you have questions concerning financial assurance mechanisms, contact me at (850) 245-8743.

Sincerely,

Tor J.M. Bejnar
Environmental Specialist
Solid Waste Section

TB

cc: Fred Wick, DEP/TLH
Bheem Kothur, DEP/TLH
Steve Brown, DEP/WPB



Jeb Bush
Governor

Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Colleen M. Castille
Secretary

April 8, 2005

RECEIVED
APR 14 2005
DEPT OF ENV PROTECTION
WEST PALM BEACH

Craig M. Harada
1759 North Andrews Square #103
Ft. Lauderdale, FL 33311

RE: Department letters to Perma-Fix of Ft. Lauderdale (PFFL) (attn: Shawn Lennon, Jr.)
dated November 30, 2004

Dear Mr. Harada:

This is in response to your letter of January 21, 2005, requesting clarification of the correspondence referenced above.

As noted in our teleconference on March 24, 2005:

1. The "Acceptance of the Closure Certification for Hazardous Waste Unit" relates only to physical closure of the "regulated unit," which consisted of eight aboveground storage tanks and associated secondary containment structure. The spill from a tank in that unit is identified by the Department as "solid waste management unit (SWMU) 1." Residual contamination (if any) from that unit, or any other SWMU at the PFFL facility, is not covered by the Acceptance and would be addressed under the Department's RCRA corrective action authority.
2. The Department considered the fact of a reasonable dispute between PMI and PFFL as to the source of residual contamination on the PMI property to be sufficient legal reason to withdraw the non-final determination letter dated January 4, 2004. Data available to date is insufficient to rule out PFFL as a potential source.
3. The Department will ask PFFL to take samples on its property to develop the information required to make a determination as to the source. An on-site meeting has been arranged with PFFL to discuss this request.

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4. Broward County Environmental Protection Department (EPD) is responsible for decisions regarding PMI's tank cleanup. The EPD project manager is Dave Vanlandingham, who will participate with the Department in the PFFL site visit.
5. The Department's Hazardous Waste Regulation Section (HWRS), in consultation with the Southeast District (SED) is responsible for determining whether PFFL has completed corrective actions for any SWMUs at or from its facility. The HWRS project manager is Harold (JR) Register.

Please feel free to contact me with any additional concerns you may have.

Sincerely,



Augusta P. Posner
Senior Attorney

cc: Shawn Lennon
Dave Vanlandingham
JR Register
Karen Kantor

Kantor, Karen E.

From: Winston, Kathy
Sent: Wednesday, March 23, 2005 10:00 AM
To: Kantor, Karen E.
Subject: FW: Perma Fix info

Please add copy to Both of Perma Fix's files ie: compliance and permit

-----Original Message-----

From: Harris, John
Sent: Wednesday, March 23, 2005 9:54 AM
To: Winston, Kathy
Subject: FW: Perma Fix info

Kathy - for your info files. John

-----Original Message-----

From: Kraemer, Janine
Sent: Wednesday, March 23, 2005 9:44 AM
To: Burson, Lu; Harris, John
Subject: Perma Fix info

Solid Waste Transfer Facility (10225 General Drive):

Non-hazardous waste is taken to this facility for storage, consolidation, and then transportation to a disposal facility. The facility accepts non-hazardous waste such as used oil, used oil filters, oily water, oily solid waste, waste coolant, and non-hazardous liquids (resins, polymers, etc.). Used oil is consolidated in a 7,000-gallon tanker, then taken to Perma-Fix, Ft. Lauderdale, for processing. Oily wastewater is consolidated in a 7,000-gallon tanker and a 6,000-gallon above ground storage tank (AST), then taken to Perma-Fix, Ft. Lauderdale, for processing. Used oil filters are consolidated in roll off containers, taken to Perma-Fix, Ft. Lauderdale, who transports the used oil filters to U.S. Foundry for processing. Oily solid waste is either sent for energy recovery to Montenay Energy or Wheelabrator, Ft. Lauderdale, or if the BTUs are less than 4,000, the material is sent to Waste Management's Okeechobee Landfill in South Florida. Waste antifreeze is taken to Consolidated Recycling, Troy, Indiana for processing.

Janine Kraemer, CHMM
Environmental Specialist
Central District, Hazardous Waste Program
Florida Department of Environmental Protection
P: 407-893-3323
F: 407-893-3167

LA OFFICE OF CRAIG M. HADA

1759 North Andrews Square • Suite 103
Fort Lauderdale, Florida 33311
(954) 764-6500 • Fax (954) 764-6542

Mr. Stan Warden, Esq.
Department of Environmental Protection
3900 Commonwealth Boulevard, Mail Station 35
Tallahassee, Florida 32399-3000

Ms. Augusta Posner, Esq.
Department of Environmental Protection
3900 Commonwealth Boulevard, Mail Station 35
Tallahassee, Florida 32399-3000

JAN 24 2005

RECEIVED

JAN 24 2005

DEPT OF ENV PROTECTION
WEST PALM BEACH

Friday, January 21, 2005

RE: OGC Case No.: 04-0282
Petroleum Management, Inc. vs.
State of Florida, Department of Environmental Protection

Subject: Department's Letters dated November 30, 2004 from Michael
W. Sole to Shawn Lennon, Jr. (copies attached).

Dear Mr. Warden and Ms. Posner,

On behalf of my client, Petroleum Management, Inc. ("PMI"), we are requesting a clarification on the written record of the subject letters.

Our understanding from a telephone discussion of January 13, 2005 among our Mr. Chris Herin (PMI's technical expert) of GeoSyntec, and Douglas Outlaw and you is that:

A. FDEP indicated that the November 30, 2004 "Acceptance of the Closure Certification for Hazardous Waste Unit" letter provides a closure for only eight above ground tanks and the associated secondary containment structure. It does not provide closure for any soil, groundwater, sediment, surface water or other structures. Thus, Mr. Chris Herin interprets from this that any suspect contaminated areas (onsite and offsite) associated with Perma-Fix of Florida, Inc. ("Perma-Fix") pursuant to RCRA Corrective Action requirements (which would include further investigation and probably remediation). The Request for Additional Information (RAI) letter (which includes a "Withdrawal of Non-Final Determination" re-initiates the RCRA Corrective Action process for the Perma-Fix facility as a whole, except for said eight tanks and the associated containment structure.

B. Perma-Fix has issued a response to the November 30, 2004 RAI letter and Mr. Outlaw of FDEP will be sending a copy to Mr. Herin.

Further, we are uncertain about what information (provided in our Petition of Administrative Hearing and in the Bureau of Petroleum Storage Systems) that the FDEP found to be creditable. If necessary, we request the opportunity to review additional information on Perma-Fix issues raised by PMI that FDEP did not find sufficient. We request that FDEP clarify what information that FDEP did not find to be creditable if any, and to have the opportunity to comment on Perma-Fix's response to the November 30, 2004 RAI letter.

We understand that FDEP has requested "additional information in the possession" of Perma-Fix to be submitted to FDEP. However, this does not address the issue of the information that should have been in the possession of Perma-Fix. Perma-Fix should be required to provide further analysis and additional sampling to determine the extent of contamination originating from its 1996 release from Solid Waste Management Unit No. 1. PMI's position is that Perma-Fix neglected to investigate the environmental impacts of its 1996 release, which should have been controlled, minimized, or eliminated to the extent necessary to protect human health and the environment, as required by 40 CFR 264.111. In particular, Perma-Fix did contaminate adjacent properties including the PMI facility, and may have omitted information submitted to FDEP.

From my telephone discussion of January 13, 2005 among myself, and you, we conclude:

A. The RAI letter does not necessarily include all the legally sufficient reasons for FDEP's withdrawal of its "non-final determination" letter. In fact, in order for FDEP to issue the withdrawal, FDEP need only to identify one legally sufficient reason. Thus, other unstated reasons (which most likely include other environmental problems) for this withdrawal may exist which Perma-Fix needs to address.

B. Neither of the two subject FDEP letters indicated who would be responsible for identifying other legally sufficient reasons for FDEP's withdrawal of its "non-final determination" letter. In the existing record, are there any other legally sufficient reasons for said FDEP's withdrawal?

We request that FDEP clarify the delegation of regulatory responsibility for the environmental issues at the Perma-Fix and PMI facilities. In particular, what responsibilities are being delegated to Broward County Environmental Protection Department ("EPD") verses FDEP? We have attached a recent letter from David Vanlandingham, of EDP to Mr. Judd Gilbert of PMI along with our letter to Mr. Michael Owens, Broward County Office of County

Attorney requesting EPD to consider the two subject DEP letters.

We are copying numerous individuals with various agencies on this letter. However, we request that clarification be made of what responsibilities each of these individuals have on the issues. Will Mr. Douglas Outlaw be the overall lead technical expert?

Very truly yours,



Craig M. Marada

BY COPY OF THIS LETTER, YOU ARE REQUESTED TO CONTACT MY OFFICE IF YOU DO NOT WISH TO RECEIVE FUTURE CORRESPONDENCE ON THE ENVIRONMENTAL MATTERS CONTAINED HEREIN.

Copies provided to:

Jon Johnson, EPA/Region 4
Douglas Outlaw, DEP/Tallahassee
David Vanlandingham, Broward County EPD
Michael Owens, Broward County Office of County Attorney
John Zawacki and Shawn Lennon, Perma-Fix
Judd Gilbert, PMI
Chris Herin, GeoSyntec

BY COPY OF THIS LETTER, YOU MUST CONTACT MY OFFICE IF YOU WISH TO CONTINUE TO RECEIVE FUTURE CORRESPONDENCE ON THE ENVIRONMENTAL MATTERS COONTAINED HEREIN.

Copies provided to:

Steve Brown, DEP/West Palm Beach
Raoul Clark, DEP/Tallahassee
Michael W. Sole, DEP/Tallahassee
Jim Naugle, Mayor, City of Fort Lauderdale
Kristin Jacobs, Mayor, Broward County Board of County Commissioners
Jeffrey Halsey, Broward County Board of Planning & Env't Protection
Candice Martino, U.S. Fish & Wildlife Service
MaryAnn Poole, Director of the Office of Policy and Stakeholder Coordination, Florida Fish & Wildlife Conservation Commission
Grace Rivera, DEP/West Palm Beach
Lorenzo Fernandez/Broward County EPD
Jessica Brown, DEP/West Palm Beach



Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

November 30, 2004

CERTIFIED – RETURN RECEIPT

7003 1680 0002 4618 8862

Mr. Shawn Lennon, Jr.
General Manager
Perma-Fix of Fort Lauderdale, Inc.
3701 SW 47th Avenue, Suite 109
Davie, Florida 33314

RE: Acceptance of the Closure Certification for Hazardous Waste Unit
Perma-Fix of Fort Lauderdale, Inc., Davie Facility
EPA I. D. Number FLD 981 018 773; Permit Number 77390-HF-003
Used Oil and Material Processing Facility
Broward County

Dear Mr. Lennon:

The Florida Department of Environmental Protection (DEP) has completed its review of the document submitted to support the certification of completion of closure of the hazardous waste facility within the above referenced used oil and material processing facility. This facility consisted of eight above ground storage tanks and their secondary containment structure. The following document was used by the Department to ascertain compliance with the facility's closure plan in the above referenced permit:

- Closure certification sealed 10/25/03 and submitted under a transmittal letter dated November 3, 2003

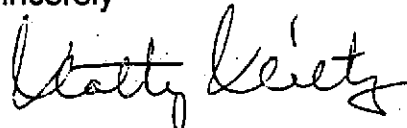
This document substantiates that Perma-Fix of Fort Lauderdale, Inc. has successfully complied with the closure conditions of the permit.

Letter to Mr. Lennon
November 30, 2004
Page Two

The Department hereby determines that Perma-Fix of Fort Lauderdale, Inc. has met the closure requirement set forth in 40 CFR Sections 264.111 and 264.114 for the regulated hazardous waste facility previously described.

If you have any questions concerning this matter, please contact Douglas Outlaw, PE III, at the letterhead address, or call (850) 245-8786.

Sincerely



Michael W. Sole, Director
Division of Waste Management

MWS/do

cc: Jon Johnson, EPA/Region 4
Steve Brown, DEP/West Palm Beach
Raoul Clark, DEP/Tallahassee
Mayor, City of Ft. Lauderdale
Chair, Broward County Board of County Commissioners
Jeffrey Halsey, Broward County Board of Planning and Environmental
Protection
Don Palmer, U.S. Fish & Wildlife Service
Lt. Brad Hartman, Florida Fish and Wildlife Conservation Commission



Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

November 30, 2004

CERTIFIED – RETURN RECEIPT

7003 1680 0002 4618 8862

Mr. Shawn Lennon, Jr.
General Manager
Perma-Fix of Fort Lauderdale, Inc.
3701 SW 47th Avenue, Suite 109
Davie, Florida 33314

RE: Withdrawal of Non-Final Determination and Request for Additional Information
Perma-Fix of Fort Lauderdale, Inc., Davie Facility
EPA I. D. Number FLD 981 018 773; Permit Number 77390-HF-003
Broward County

Dear Mr. Lennon:

In a letter dated January 5, 2004, the Department determined that Perma-Fix of Fort Lauderdale, Inc. (PFFL) had "effectively demonstrated that all hazardous waste, hazardous waste constituents, leachate, contaminated run-off or hazardous decomposition products *related to use of the property* have been controlled, minimized, or eliminated to the extent necessary to protect human health and the environment, as required by 40 CFR 264.111." The letter included a statement of rights with this provision: "Upon the timely filing of a petition this Determination will not be effective until further action of the Department."

PFFL published notice of the agency action on January 13, 2004.

After publication, the Department received a Petition of Administrative Hearing filed by Petroleum Management, Incorporated (PMI), which contends that PFFL has not met the closure requirements as set forth in 40 CFR Part 264.114 and 264.111 (see paragraph 28). Upon review and confirmation of the information provided, the Department must withdraw the non-final determination letter. Information provided in the Petition was not disclosed to the Department. Furthermore, the information provided in the petition and in the PMI remediation files maintained by the Bureau of Petroleum Storage Systems indicates that further analysis and possibly additional sampling are needed to determine if any contaminants are still present that originated from the 1996 release (Solid Waste Management Unit No. 1.) Accordingly, the Department has decided to withdraw that portion of the determination which extends "to use of the property." The determination

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Letter to Mr. Lennon
November 30, 2004
Page Two

will be limited to use of the hazardous waste facility, which consists of eight above ground storage tanks and their secondary containment structure. The revised determination is enclosed.

In order to evaluate the completion of facility-wide and off-site corrective action requirements, the Department requires:

1. All information in the possession of PFFL regarding any soils, groundwater, surface water or sediment contamination resulting from releases at PFFL not specifically referenced or included with the PFFL letter of April 5, 2001 or May 22, 2001.
2. All information in the possession of PFFL regarding any soils, groundwater, surface water or sediment contamination on the PMI property or any other adjacent property.
3. The name of owner(s) of any property that contamination from releases at the PFFL facility has migrated or is suspected to have migrated into any media beyond the PFFL property boundary.
4. All information indicating contaminants from a release from PFFL property have migrated in either direction in the stormwater pipe, portions of which were removed during remediation activities for the 1996 PFFL release and during remediation activities on the PMI property.
5. A complete description of any spills or releases at the PFFL facility not included on the Final RFA Report dated March 18, 2002 or for which the description in the report is not complete.

The term "all information" shall include, but is not limited to, groundwater surface elevation and constituent concentration data, surface water surface elevation and constituent concentration data, alignment and extent of the impacted stormwater pipe and contaminant concentrations in the pipe.

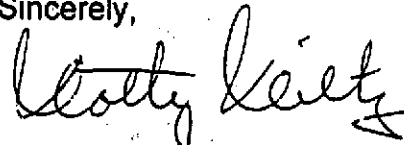
Please submit a complete response with all required information within 30 days.

If the information suggests that contamination associated with solid waste management units or areas of concern at the Perma-Fix facility remains in the environment, Permit Number 77390-HF-003 will be modified to include corrective action requirements.

Letter to Mr. Lennon
November 30, 2004
Page Three

If you have any question regarding this Withdrawal of Non-Final Determination and Request for Additional Information, please contact Douglas Outlaw, PE III at the letterhead address, or call (850) 245-8786.

Sincerely,

A handwritten signature in cursive script, appearing to read "M. W. Sole".

Michael W. Sole, Director
Division of Waste Management

MWS/do

Enclosure:

cc: Jon Johnson, EPA/Region 4
Steve Brown, DEP/West Palm Beach
Craig M. Harada, Esq.



ENVIRONMENTAL PROTECTION DEPARTMENT - Pollution Prevention and Remediation Division
218 S.W. 1st Avenue • Fort Lauderdale, Florida 33301 • 954-519-1260 • FAX 954-765-4804

December 17, 2004

Mr. Judd Gilbert, President
Petroleum Management, Inc.
2491 SW 115 Terrace
Davie, FL 33325

**RE: Groundwater Monitoring Report, PMI Facility
3650 SW 47th Ave., Davie, FL 33314; FDEP ID No. 069300963; EAR License No. 342**

Dear Mr. Gilbert:

The Pollution Prevention and Remediation Division (Division) has reviewed the Groundwater Monitoring Report (Report) for the referenced facility, dated September 29, 2004 (received October 4, 2004), prepared and submitted by your consultant, GeoTech Environmental, Inc. The Report was submitted in response to a correspondence from the Division dated May 20, 2004.

The Division has determined that the Report is incomplete as it does not contain the information required for groundwater assessment or monitoring by Chapter 62-770, Florida Administrative Code (F.A.C.), nor does it document ongoing remediation activities required by your Remedial Action Plan Modification approval. Please note the following deficiencies and/or comments:

- The original due date for the subject report, which was to be a Quarterly Operations and Maintenance Report, was July 16, 2004. Because the Report was overdue, Citation Warning 04-0456 was issued to you on August 26, 2004. In subsequent telephone conversations, you requested an extension of time to submit the required Report. Please note that extensions must be requested at least three (3) business days prior to the established due date. If you fail to meet future established due dates for the Division's reporting requirements, please be advised that you may be subject to additional enforcement including levied civil penalties.
- The Report documents the replacement of six (6) monitoring wells for the purposes of assessing groundwater quality. While analytical results indicate that groundwater contaminants are below applicable standards, the Report does not contain groundwater survey information, including top-of-casing elevations, depth-to-water, interpreted groundwater elevations, and interpreted groundwater flow gradient. The Division initially conducted its review of the Report on November 19, 2004, and has been in contact with both you and your consultant to inform you of the deficiency regarding the groundwater elevation data. While the Division was informed that the required survey data would be forthcoming as an addendum to the Report, the Division has not received it to date.

Due to the fact that the site is currently subject to post-remediation monitoring requirements, you must again collect groundwater samples from these six wells, collect the necessary survey data, and submit samples for laboratory analysis of polynuclear aromatic hydrocarbons.

-
- As requested in the Division's May 20, 2004, correspondence, the Report does not present a plan or response for addressing contaminated soils identified near the northern property boundary.
 - You are required by your approved Remedial Action Plan Modification to conduct scheduled bioremediation injection events for contamination identified underneath the facility's aboveground storage tank (AST) farm. In addition, you are required to obtain soil samples for the purposes of determining when soil cleanup target levels for these soils have been achieved. These activities have not been performed in accordance with your approval. Please resume bioremediation injection events and soil sampling.

Two originals of a Quarterly Operations and Maintenance Report are hereby due this office no later than March 11, 2005. The next Quarterly Operations and Maintenance Report must document an additional bioremediation injection event at the AST farm, contain the groundwater analytical and survey data detailed herein, include a discussion of remaining contaminated soils, and be certified by a Florida-registered Professional Engineer. Failure to meet these requirements or this deadline may subject you to further enforcement procedures. If you have any questions or concerns regarding this correspondence, please contact me at (954) 519-1478 or dvanlandingham@broward.org.

Sincerely,

POLLUTION PREVENTION AND REMEDIATION DIVISION



David Vanlandingham, P.E.
Engineer IV

cc: Nilesh Lakhani, GeoTech Environmental, Inc.
Grace Rivera, FDEP - BPSS
Lorenzo Fernandez, P.E., Manager, EAR Section
Jessica Brown, Enforcement Administration

Broward County Board of County Commissioners

Josephus Eppelston, Jr. • Ben Graber • Sue Gunzburger • Kristin D. Jacobs • Ilene Lieberman • Lori Nance Parish • John E. Rodstrom, Jr. • James A. Scott • Diana Wasserman-R
www.broward.org

W OFFICE OF CRAIG M. ARADA

1759 North Andrews Square • Suite 103

Fort Lauderdale, Florida 33311

(954) 764-6500 • Fax (954) 764-6542

Mr. Michael Owens, Esq.
Broward County
Office of County Attorney
115 S. Andrews Avenue
Fort Lauderdale, Florida 33301

Tuesday, January 11, 2005

RE: OGC Case No.: 04-0282
Petroleum Management, Inc. vs.
State of Florida, Department of Environmental Protection, and
Perma-Fix of Fort Lauderdale, Inc.

Subject: Two November 30, 2004 letters issued by Mr. Michael W. Sole, Director Division of Waste Management to Mr. Shawn Lennon, Jr. of Perma-Fix of Florida, Inc. and GeoSyntec December 2004 Report (copies enclosed)

Dear Mr. Owens,

My Office represents Petroleum Management, Inc. (PMI) in the above referenced litigation OGC Case No.: 04-0282, and in regards to various environmental activities at PMI's Facility in Davie, Florida.

Mr. David Vanlandingham of Broward County Environmental Protection Department (EPD) issued a letter dated December 17, 2004 to Mr. Judd Gilbert of PMI (copy enclosed). Since OGC Case is still pending, my Office understands we may direct our communications to you with a copy to Mr. Vanlandingham. In Vanlandingham's letter, the EPD has requested that PMI address contaminated soils identified near the northern property boundary, and several other technical issues.

The subject two DEP letters and GeoSyntec's Report (collectively, the "subject documents") raise serious technical issues concerning the neighboring property operated by Perma-Fix of Florida, Inc. (Perma-Fix). In particular, the subject documents raise questions about the sources of contamination in the area (including near the PMI northern property boundary). The subject documents provide specific commentary identifying the need for Perma-Fix to perform additional environmental sampling and analysis in that area to address the Perma-Fix related contamination.

We are awaiting permission from DEP to have GeoSyntec, PMI's technical consultant communicate with Mr. Douglas Outlaw, technical expert for DEP. Therefore, at this time, we reserve our objections on the two subject DEP letters, and how the subject documents fully impact the EPD requests for PMI to perform environmental measures and actions at the PMI facility (in other words, Perma-Fix will

Law Office Of
Craig M. Harada

need to pursue contamination on PMI property and PMI may not be responsible for at least some if not most of the contamination on PMI property). We are unclear from the subject DEP letters on the extent and scope of the impact of the information that was provided in PMI's petition (which was not disclosed to the DEP by Perma-Fix) has on all the environmental issues involving the Perma-Fix and PMI facilities.

We are unclear what the resulting impact will be of the subject documents and how DEP reached certain determinations in its letters.

We strongly request that the subject documents be considered by EPD in formulating environmental plans and objectives at PMI and Perma-Fix facilities. GeoSyntec reviewed several thousands of pages of documents spanning over ten years in its preparation of its technical report, including police and FBI reports. Some of the first responder reports are public record, but have not been found to be contained in EPD, DEP Southeast District or DEP Tallahassee files.

At this time, we request that EPD consider the two subject DEP letters, and the GeoSyntec technical report, and reconsider the requests in the EPD letter of December 17, 2004. PMI requests that EPD postpone all future assessment and remediation requests of PMI until a determination is made regarding Perma-Fix's assessment and remediation responsibilities for the PMI property. As an immediate minimum, PMI requests that the EPD's request for PMI to address contaminated soils identified near PMI's northern property boundary be deferred indefinitely.

May we arrange a meeting with you and Mr. Vanlandingham?

Sincerely,


Craig M. Harada

CC: John Zawacki and Shawn Lennon, Perma-Fix *
Judd Gilbert, PMI *
Chris Herin, GeoSyntec *
David Vanlandingham, EPD w/Enclosures
Stan M. Warden, Counsel for DEP *

* Subject Documents previously provided (i.e., Two November 30, 2004 DEP letters and GeoSyntec December 2004 Report). Vanlandingham's letter enclosed.

ENCLOSURES (4)



Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

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FEB 14 2005

DEPT OF ENV. PROTECTION
WEST PALM BEACH
Colleen P. Malone
Secretary

February 3, 2005

J. Chris Herin, P.G.
GeoSyntec Consultants
5901 Broken Sound Parkway, Suite 300
Boca Raton, Florida 33487-2775

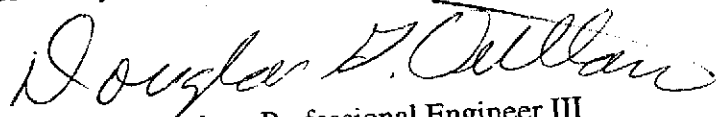
RE: Petroleum Management, Inc. / FLD 980709075
Transmittal PermaFix Response to FDEP's Withdrawal of Non-Final Determination

Dear Mr. Herin:

I have attached a copy of the PermaFix response to the Department's November 30, 2004 Withdrawal of Non-Final Determination and Request for Additional Information on a Compact Disc with this transmittal letter. The spreadsheet provides the indexing information for each imaged file. Simply press on the highlighted link to take you to a particular indexed file.

If you should have any further questions regarding this correspondence, please contact Harold Register at (850) 245-8796 or by e-mail at harold.register@dep.state.fl.us.

Sincerely,


Douglas G. Outlaw, Professional Engineer III
Hazardous Waste Regulation Section

DGO/hdr

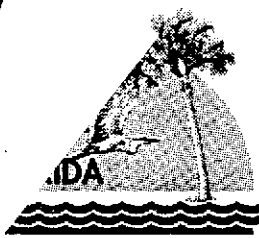
Enclosures (1)

cc (without enclosure):

Stan Ward, Department of Environmental Protection/OGC
Augusta Posner, Department of Environmental Protection/OGC
✓ Steve Brown, Department of Environmental Protection/Southeast District Office
Michael Owens, Broward County Office of County Attorney
David Valandingham, Broward County Environmental Protection Department
Craig M. Harada, Law Office of Craig M. Harada
Shawn Lennon, Perma-Fix of Ft Lauderdale

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Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

November 30, 2004

CERTIFIED – RETURN RECEIPT

7003 1680 0002 4618 8862

Mr. Shawn Lennon, Jr.
General Manager
Perma-Fix of Fort Lauderdale, Inc.
3701 SW 47th Avenue, Suite 109
Davie, Florida 33314

RECEIVED
NOV 30 2004
DEPT OF ENV PROTECTION
WEST PALM BEACH

RE: Acceptance of the Closure Certification for Hazardous Waste Unit
Perma-Fix of Fort Lauderdale, Inc., Davie Facility
EPA I. D. Number FLD 981 018 773; Permit Number 77390-HF-003
Used Oil and Material Processing Facility
Broward County

Dear Mr. Lennon:

The Florida Department of Environmental Protection (DEP) has completed its review of the document submitted to support the certification of completion of closure of the hazardous waste facility within the above referenced used oil and material processing facility. This facility consisted of eight above ground storage tanks and their secondary containment structure. The following document was used by the Department to ascertain compliance with the facility's closure plan in the above referenced permit:

- Closure certification sealed 10/25/03 and submitted under a transmittal letter dated November 3, 2003

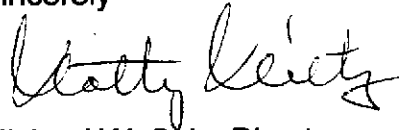
This document substantiates that Perma-Fix of Fort Lauderdale, Inc. has successfully complied with the closure conditions of the permit.

Letter to Mr. Lennon
November 30, 2004
Page Two

The Department hereby determines that Perma-Fix of Fort Lauderdale, Inc. has met the closure requirement set forth in 40 CFR Sections 264.111 and 264.114 for the regulated hazardous waste facility previously described.

If you have any questions concerning this matter, please contact Douglas Outlaw, PE III, at the letterhead address, or call (850) 245-8786.

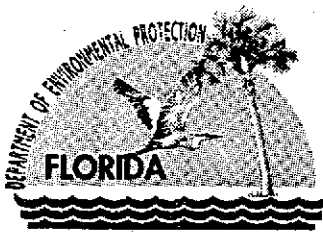
Sincerely



Michael W. Sole, Director
Division of Waste Management

MWS/do

cc: Jon Johnson, EPA/Region 4
Steve Brown, DEP/West Palm Beach
Raoul Clark, DEP/Tallahassee
Mayor, City of Ft. Lauderdale
Chair, Broward County Board of County Commissioners
Jeffrey Halsey, Broward County Board of Planning and Environmental
Protection
Don Palmer, U.S. Fish & Wildlife Service
Lt. Brad Hartman, Florida Fish and Wildlife Conservation Commission



Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

November 30, 2004

CERTIFIED – RETURN RECEIPT

7003 1680 0002 4618 8862

Mr. Shawn Lennon, Jr.
General Manager
Perma-Fix of Fort Lauderdale, Inc.
3701 SW 47th Avenue, Suite 109
Davie, Florida 33314

RECEIVED
DEC 06 2004
DEPT OF ENV PROTECTION
WEST PALM BEACH

RE: Withdrawal of Non-Final Determination and Request for Additional Information
Perma-Fix of Fort Lauderdale, Inc., Davie Facility
EPA I. D. Number FLD 981 018 773; Permit Number 77390-HF-003
Broward County

Dear Mr. Lennon:

In a letter dated January 5, 2004, the Department determined that Perma-Fix of Fort Lauderdale, Inc. (PFFL) had "effectively demonstrated that all hazardous waste, hazardous waste constituents, leachate, contaminated run-off or hazardous decomposition products *related to use of the property* have been controlled, minimized, or eliminated to the extent necessary to protect human health and the environment, as required by 40 CFR 264.111." The letter included a statement of rights with this provision: "Upon the timely filing of a petition this Determination will not be effective until further action of the Department."

PFFL published notice of the agency action on January 13, 2004.

After publication, the Department received a Petition of Administrative Hearing filed by Petroleum Management, Incorporated (PMI), which contends that PFFL has not met the closure requirements as set forth in 40 CFR Part 264.114 and 264.111 (see paragraph 28). Upon review and confirmation of the information provided, the Department must withdraw the non-final determination letter. Information provided in the Petition was not disclosed to the Department. Furthermore, the information provided in the petition and in the PMI remediation files maintained by the Bureau of Petroleum Storage Systems indicates that further analysis and possibly additional sampling are needed to determine if any contaminants are still present that originated from the 1996 release (Solid Waste Management Unit No. 1.) Accordingly, the Department has decided to withdraw that portion of the determination which extends "to use of the property." The determination

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Letter to Mr. Lennon
November 30, 2004
Page Two

will be limited to use of the hazardous waste facility, which consists of eight above ground storage tanks and their secondary containment structure. The revised determination is enclosed.

In order to evaluate the completion of facility-wide and off-site corrective action requirements, the Department requires:

1. All information in the possession of PFFL regarding any soils, groundwater, surface water or sediment contamination resulting from releases at PFFL not specifically referenced or included with the PFFL letter of April 5, 2001 or May 22, 2001.
2. All information in the possession of PFFL regarding any soils, groundwater, surface water or sediment contamination on the PMI property or any other adjacent property.
3. The name of owner(s) of any property that contamination from releases at the PFFL facility has migrated or is suspected to have migrated into any media beyond the PFFL property boundary.
4. All information indicating contaminants from a release from PFFL property have migrated in either direction in the stormwater pipe, portions of which were removed during remediation activities for the 1996 PFFL release and during remediation activities on the PMI property.
5. A complete description of any spills or releases at the PFFL facility not included on the Final RFA Report dated March 18, 2002 or for which the description in the report is not complete.

The term "all information" shall include, but is not limited to, groundwater surface elevation and constituent concentration data, surface water surface elevation and constituent concentration data, alignment and extent of the impacted stormwater pipe and contaminant concentrations in the pipe.

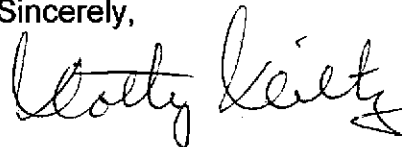
Please submit a complete response with all required information within 30 days.

If the information suggests that contamination associated with solid waste management units or areas of concern at the Perma-Fix facility remains in the environment, Permit Number 77390-HF-003 will be modified to include corrective action requirements.

Letter to Mr. Lennon
November 30, 2004
Page Three

If you have any question regarding this Withdrawal of Non-Final Determination and Request for Additional Information, please contact Douglas Outlaw, PE III at the letterhead address, or call (850) 245-8786.

Sincerely,



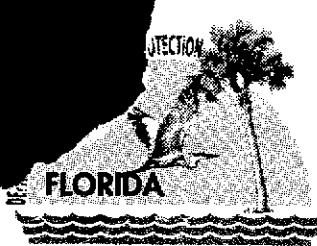
Michael W. Sole, Director
Division of Waste Management

MWS/do

Enclosure:

cc: Jon Johnson, EPA/Region 4
Steve Brown, DEP/West Palm Beach
Craig M. Harada, Esq.

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DEC 1 2004
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WEST PALM BEACH



Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road MS 4565
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

May 4, 2004

Mr. Shaun Lennon
General Manager
Perma-Fix of Ft. Lauderdale, Inc.
3701 SW 47 Avenue
Davie, Florida 33314

RECEIVED
MAY 07 2004
DEPT OF ENV PROTECTION
WEST PALM BEACH

Re: WACS 00064664 - Perma-Fix of Ft. Lauderdale, Inc.

Dear Mr. Lennon:

I reviewed the documentation submitted to demonstrate financial assurance for the above referenced facility and find it is in order. American International Specialty Lines Insurance Company insurance certificate identifying policy number 1959169, signed on March 16, 2004 and in the amount of \$506, demonstrates adequate financial assurance covering the inflation adjusted closing cost estimate of \$505. Therefore, the Perma-Fix of Ft. Lauderdale, Inc. facility 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) 245-8743.

Sincerely,

Ter J.M. Beijar
Environmental Specialist
Solid Waste Section

TB

cc: Fred Wick, DEP/TLH
Bheem Kothur, DEP/TLH
Joe Lurix, DEP/WPB
Steve Brown, DEP/WPB



Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

January 5, 2004

David B. Struhs
Secretary

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7000 0520 6021 3377 2425

Mr. Shawn Lennon, Jr.
General Manager
Perma-Fix of Fort Lauderdale, Inc.
3701 SW 47th Avenue, Suite 109
Davie, Florida 33314

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JAN 09 2004

DEPT OF ENV PROTECTION
WEST PALM BEACH

SUBJECT: Perma-Fix of Fort Lauderdale, Inc., Davie Facility
EPA I. D. Number FLD 981 018 773
Used Oil and Material Processing Facility
Permit Number 77390-HO-003
Broward County

Dear Mr. Lennon:

The Florida Department of Environmental Protection (DEP) has completed its review of the documents submitted to support the certification of completion of closure of the hazardous waste facility within the above referenced used oil and material processing facility. This facility consisted of eight above ground storage tanks and their secondary containment structure. The following documents were used by the Department to ascertain compliance with the facility's closure plan in the above referenced permit:

- **Closure Certification sealed 10/25/03 and submitted under a transmittal letter dated November 3, 2003; and**
- **Final RCRA Facility Assessment Report dated March 18, 2002.**

These documents substantiate that Perma-Fix of Fort Lauderdale, Inc. has successfully complied with the closure conditions of the permit.

The Department hereby determines that Perma-Fix of Fort Lauderdale, Inc. has met the closure requirement set forth in 40 CFR Part 264.114. The Department further determines that Perma-Fix of Fort Lauderdale, Inc. has effectively demonstrated that all hazardous waste, hazardous constituents, leachate, contaminated run-off or hazardous waste decomposition products related to use of the property have been controlled, minimized, or eliminated to the extent necessary to protect human health and the environment, as required by 40 CFR 264.111.

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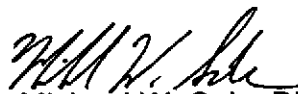
Mr. Shawn Lennon
January 5, 2004
Page 2 of 5

This determination constitutes final agency action within the meaning of Chapter 120, Florida Statutes. Persons whose substantial interests are affected by this Order have the rights outlined in Exhibit 1, incorporated herein. Perma-Fix of Fort Lauderdale, Inc. must publish **Exhibit 1 Notice of Rights** within 10 days of receipt of this Order, in a newspaper of general circulation in Ft. Lauderdale, Florida, and provide the Department with proof of publication within 10 days after receipt of such proof. As Permittee, you have appellate rights as set forth in Exhibit 2

You should also prepare a "Change of Status" form (enclosed) per 62-730.150(5), Florida Administrative Code, and send the completed form to The Department's Tallahassee office for processing within thirty (30) days of receipt of this letter.

If you have any questions concerning this matter, please contact Douglas Outlaw, PE III, of this office at the letterhead address or call 850-245-8786.

Sincerely,



Michael W. Sole, Director
Division of Waste Management

MWS/bpp

Enclosure

cc (without enclosure):

Narindar Kumar, EPA/Region 4
Steve Brown, DEP/West Palm Beach
Raoul Clarke, DEP/Tallahassee
Mayor, City of Fort Lauderdale

Chair, Broward County Board of County Commissioners

Jeffrey Halsey, Broward County Department of Planning and Environmental Protection

Don Palmer, U.S. Fish & Wildlife Service

Lt. Brad Hartman, Florida Fish and Wildlife Conservation Commission

EXHIBIT 1

NOTICE OF RIGHTS

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION NOTICE OF AGENCY ACTION

The Department of Environmental Protection gives notice of agency action pursuant to Section 120.57(4), Florida Statutes of its Decision to accept a "Certification of Closure" ("CC") from Perma-Fix of Fort Lauderdale, Inc. under Permit number 77390-HO-003, which will be modified accordingly. The CC concludes that soil and/or groundwater contamination located at 3670 SW 47th Avenue, Davie, Florida 33314 has been effectively removed or decontaminated. The CC is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000 and at the DEP Southeast District Office, 400 North Congress Avenue, West Palm Beach, Florida 33401.

This decision to accept the CC ("the Decision") is final agency action of the Department pursuant to Section 120.52 (7), Florida Statutes, and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, Florida Statutes. Upon the timely filing of a petition this Determination will not be effective until further action of the Department.

Persons whose substantial interests are affected by the Decision have a right to petition for an administrative hearing. The Petition must contain the information set forth below and must be filed (received) in the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35 Tallahassee, Florida 32399-3000, within 45 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the Department address indicated above. Failure to file a petition within the 45 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, F.S.

The petition shall contain the following information:

(a) The name, address, and telephone number of each petitioner; (b) A statement of how and when each petitioner received notice of the Department's Decision; (c) A statement of how each petitioner's substantial interests are affected by the Decision; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Decision; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Decision; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Decision.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Decision have the right to petition to become a party to the proceeding.

The petition must conform to the requirements specified above and be filed (received) within 45 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, F.A.C.

Mediation is not available in this proceeding.

EXHIBIT 2

Judicial Review

When this Determination becomes final, any party to this Decision has the right to seek judicial review of this Decision pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Department clerk in the Office of the General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000. The Notice of Appeal must be received by the Department clerk within 30 days from the date at the top of the first page of this Decision. Simultaneously with filing a Notice of Appeal with the Department, the party must file a copy of the Notice of Appeal with the applicable filing fees, with the appropriate District Court of Appeal.



Department of Environmental Protection

Jeb Bush
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

David B. Struhs
Secretary

June 10, 2003

CERTIFIED - RETURN RECEIPT
7000 1670 0013 3108 3365

Mr. Shawn Lennon, Jr.
General Manager
Perma-Fix of Fort Lauderdale, Inc.
3701 SW 47th Avenue, Suite 109
Davie, Florida 33314

SUBJECT: Perma-Fix of Fort Lauderdale, Inc.
Davie Facility
EPA I. D. Number FLD 981 018 773
Used Oil and Material Processing Facility
Permit Number 77390-HO-003
Broward County

Dear Mr. Lennon:

Enclosed is Permit Number 77390-HO-003 issued to Perma-Fix of Fort Lauderdale, Inc. pursuant to Section 403.815, Florida Statutes (F.S.), and Chapters 62-4 and 62-710, Florida Administrative Code (F.A.C.).

This permit is final and effective on the date filed with the Clerk of the Department. When the permit is final, any party to the permit has the right to seek judicial review of the permit pursuant to Section 120.68, F.S., by the filing of a Notice to Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, MS #35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal.

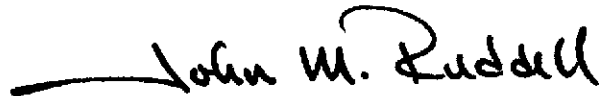
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Mr. Shawn Lennon, Jr.
June 10, 2003
Page two

The Notice of Appeal must be filed within thirty (30) days from the date the final permit is issued.

Sincerely,

A handwritten signature in black ink that reads "John M. Ruddell". The signature is written in a cursive style with a long horizontal line extending to the left of the first letter.

John M. Ruddell, Director
Division of Waste Management

JMR/wpp

Enclosures

cc:

Narindar Kumar, EPA/Region 4
Steve Brown, DEP/West Palm Beach
Raoul Clarke, DEP/Tallahassee
Mayor, City of Fort Lauderdale
Chair, Broward County Board of County Commissioners
Jeffrey Halsey, Broward County Department of Planning and
Environmental Protection
Don Palmer, U.S. Fish & Wildlife Service
Lt. Brad Hartman, Florida Fish and Wildlife Conservation
Commission



Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

David B. Struhs
Secretary

PERMITTEE:

Perma-Fix of Fort Lauderdale, Inc.
3701 SW 47th Avenue, Suite 109
Davie, Florida 33314

I.D. Number: FLD 981 018 773
Permit Number: 77390-HO-003
Date of Issue: *June 13, 2003*
Date of Expiration: November 19, 2007

Attention:
Mr. Shawn Lennon, Jr., General Manager

County: Broward
Lat./Long: 26°04'37"N / 80°12'36"W

Project: Used Oil and Material Processing
Facility

This permit is issued under the provisions of Sections 403.722 and 403.769, Florida Statutes (F.S.), and Florida Administrative Code Chapters (F.A.C.) 62-4, 62-701, 62-710, 62-730, 62-740 and 40 Code of Federal Regulations (CFR) Part 279. The above named Permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

TO OPERATE: A Used Oil Processing Facility hereinafter referred to as the "Facility". The Used Oil Processing Facility is located in Broward County at 3670 SW 47th Avenue, Davie, Florida 33314. A diagram of the site layout is included as **Attachment A**.

The facility is authorized to process used oil, oily wastewater, petroleum contact water, oily solid waste and used oil filters under this permit.

The Facility consists of nineteen (19) tanks ranging from 1,000 gallons to 20,000 gallons and one (1) 100,000 gallon tank. All tanks are located within the secondary containment unit as shown in **Attachment A**. The capacity and use of each tank is shown in **Attachment B**.

Solid waste storage is limited to one covered roll-off container.

In addition to the activities regulated under this permit, the Facility is a Hazardous Waste Transfer Station.

The facility is also authorized to close tanks 4, 7, 9, 14, 15, 16, 17 and 18 which were previously used for hazardous waste storage.

The Facility is located on an approximately 2.5-acre parcel of land owned by Perma-Fix of Fort Lauderdale, Inc. The Permittee will process and market used oil in accordance with the permit application. The permittee will also process non-hazardous, non-used oil wastes for disposal.

"More Protection, Less Process"

Printed on recycled paper.

Perma-Fix of Fort Lauderdale, Inc.
3701 SW 47th Avenue, Suite 109
Davie, Florida 33314

I.D. Number: FLD 981 018 773
Permit Number: 77390-HO-003
Date of Expiration: November 19, 2007

PERMIT HISTORY:

1. Used Oil Processing Facility Permit Application and Instructions Final Draft (9/30/96) received June 18, 1997.
2. Used Oil Processing Facility Permit Application dated October 23, 2002.
3. Additional information dated December 20, 2002 in response to first Notice of Deficiency dated December 2, 2002.
4. Final RCRA Facility Assessment Report dated February, 2001 as revised March 18, 2002.
5. Closure plan for tanks 4, 7, 9, 14, 15, 16, 17 and 18 dated March 18, 2003 and approved on March 31, 2003.

GENERAL CONDITIONS (PURSUANT TO CHAPTER 62-4, F.A.C.):

1. The terms, conditions, requirements, limitations, and restrictions set forth in this permit are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.759, F.S. The Permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in Subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor infringement of federal, state or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interest has been obtained from the state. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
5. This permit does not relieve the Permittee from liability for harm or injury to human health or welfare, animal, plant life or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the Permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The Permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the Permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
7. The Permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:
 - (a) Have access to and copy any records that must be kept under conditions of the permit;

- (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
- (c) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or with Department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the Permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the Permittee shall immediately provide the Department with the following information:
 - (a) A description of and cause of non-compliance; and
 - (b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The Permittee shall be responsible for any and all damages, which may result and may be subject to enforcement action by the Department for penalties or revocation of this permit.
9. In accepting this permit, the Permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is proscribed by Sections 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
10. The Permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance, provided, however, the Permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-303.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard.
11. This permit is transferable only upon Department approval in accordance with Rules 62-4.120 and 62-710.800, F.A.C., as applicable. The Permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department.
12. This permit or a copy thereof shall be kept at the work site of the permitted activity.
13. This permit also constitutes:
 - (a.) Determination of Best Available Control Technology (BACT);
 - (b.) Determination of Prevention of Significant Deterioration (PSD);

- (c.) Certification of compliance with state Water Quality Standards (Section 401, PL 92-500); and
 - (d.) Compliance with New Source Performance Standards.
14. The Permittee shall comply with the following:
- (a) Upon request, the Permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
 - (b) The Permittee shall hold at the facility, or other location designated by this permit, records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by this permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report or application unless otherwise specified by Department rule.
 - (c) Records of monitoring information shall include:
 - 1. The date, exact places, and time of sampling or measurements;
 - 2. The person responsible for performing the sampling or measurements;
 - 3. The date(s) analyses were performed;
 - 4. The person responsible for performing the analyses;
 - 5. The analytical techniques or methods used;
 - 6. The results of such analyses.
15. When requested by the Department, the Permittee shall within a reasonable time furnish any information required by law that is needed to determine compliance with the permit. If the Permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.
16. In the case of an underground injection control permit, the following permit conditions also shall apply:
- (a.) All reports or information required by the Department shall be certified as being true, accurate and complete.
 - (b.) Reports of compliance or noncompliance with, or any progress reports on, requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

(c.) Notification of any noncompliance which may endanger health or the environment shall be reported verbally to the Department within 24 hours and again within 72 hours, and a final written report provided within two weeks.

- 1 The verbal reports shall contain any monitoring or other information which indicate that any contaminant may endanger an underground source of drinking water and any noncompliance with a permit condition or malfunction of the injection system which may cause fluid migration into or between underground sources of drinking water.
- 2 The written submission shall contain a description of and a discussion of the cause of the noncompliance and, if it has not been corrected, the anticipated time the noncompliance is expected to continue, the steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance and all information required by Rule 62-528.230(4)(b), F.A.C.

(d.) The Department shall be notified at least 180 days before conversion or abandonment of an injection well, unless abandonment within a lesser period of time is necessary to protect waters of the state.

17. The following conditions also shall apply to a hazardous waste facility permit.

(a.) The following reports shall be submitted to the Department:

- 1 Manifest discrepancy report. If a significant discrepancy in a manifest is discovered, the Permittee shall attempt to rectify the discrepancy. If not resolved within 15 days after the waste is received, the Permittee shall immediately submit a letter report, including a copy of the manifest, to the Department.
- 2 Unmanifested waste report. The Permittee shall submit an unmanifested waste report to the Department within 15 days of receipt of unmanifested waste.

(b.) Notification of any noncompliance which may endanger health or the environment, including the release of any hazardous waste that may endanger public drinking water supplies or the occurrence of a fire or explosion from the facility which could threaten the environment or human health outside the facility, shall be reported verbally to the Department within 24 hours, and a written report shall be provided within 5 days. The verbal report shall include the name, address, I.D. number, and telephone number of the facility, its owner or operator, the name and quantity of materials involved, the extent of any injuries, an assessment of actual or potential hazards, and the estimated quantity and disposition of recovered material. The written submission shall contain:

- 1 A description and cause of the noncompliance.

- 2 If not corrected, the expected time of correction, and the steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.
- (c.) Reports of compliance or noncompliance with, or any progress reports on, requirements in any compliance schedule shall be submitted no later than 14 days after each schedule date.
- (d.) All reports or information required by the Department by a hazardous waste Permittee shall be signed by a person authorized to sign a permit application.
- (e.) Unless expressly provided otherwise, references in this permit to specific Chapters or Rules of the Florida Administrative Code (F.A.C.) and specific parts or sections of 40 Code of Federal Regulations (CFR) shall be construed to include the caveat, "as the Chapter, Rule, part or section may be amended or renumbered from time to time."

SPECIFIC CONDITIONS:

PART I – STANDARD REQUIREMENTS:

1. Rules
 - (a) The facility shall comply with all applicable portions of 40 CFR Part 279 and Chapter 62-710, Florida Administrative Code, (F.A.C.).
 - (b) This facility shall be constructed and operated in accordance with all applicable requirements of Chapters 62-4, 62-701, 62-710 and 62-740, F.A.C., and all other applicable requirements of Department Rules.
 - (c) By acceptance of this Permit, the Permittee certifies that he has read and understands the obligations imposed by the Specific and General Conditions contained herein, including the date of permit expiration and renewal deadlines. It is a violation of this permit to fail to comply with all conditions and deadlines.
 - (d) Nothing contained in General Condition 10 shall be deemed to waive any right Permittee has under Florida Statutes or Department rules to oppose application of any such changes to the facility if Permittee is otherwise legally entitled to do so.
2. Submittals in response to any conditions in this permit shall be submitted as follows:
 - (a) Two (2) copies shall be submitted to:

Department of Environmental Protection
Bureau of Solid and Hazardous Waste
Hazardous Waste Regulation Section
Attn: Environmental Administrator – MS 4560

2600 Blair Stone Road
Tallahassee, Florida 32399 - 2400

(b) One (1) copy shall be submitted to:

Hazardous Waste Program Administrator
Department of Environmental Protection
Southeast District Office
400 North Congress Avenue
West Palm Beach, Florida 33401

3. The Permittee shall display the validated registration form and identification number in a prominent place at the facility in accordance with Rule 62-710.500(4), F.A.C.
4. No later than March 1 of each year, the Permittee shall submit an annual report for the preceding calendar year to the Department on DEP form 62-701.900(14). The report shall summarize the records kept pursuant to 40 CFR 279.57(b) and Rule 62-710.510, F.A.C, Record Keeping: The records described in this paragraph shall include:
 - (a) The EPA identification number, name, and address of the processor/ re-refiner;
 - (b) The calendar year covered by the report; and
 - (c) The quantities of used oil accepted for processing/re-refining and the manner in which the used oil is processed/re-refined, including the specific processes employed.
5. The Permittee shall operate, modify, or close the facility only pursuant to a permit issued by the Department in accordance with Chapter 62-710 F.A.C.
6. Before closing or making any substantial modifications to the Facility, the Permittee shall submit to the Department the Used Oil Processing Facility Permit Modification Request, pursuant to Rules 62-710.800(6) and 62-4.050(6) and (7), F.A.C.
 - (a) Pursuant to Rules 62-710.800(6) and 62-4.050(6)(a), F.A.C., a substantial modification means a modification that is reasonably expected to lead to substantially different environmental impacts that requires a detailed review. For purposes of this subsection, an increase in storage capacity of the facility by 25% or 25,000 gallons, whichever is less is considered a substantial modification.
 - (b) Pursuant to Rules 62-4.050(4) and 62-710.800(6)(b), F.A.C., a minor modification means a modification that does not require substantial technical evaluation by the Department, does not require a new site inspection by the Department, and will not lead to substantially different environmental impacts or will lessen the impacts of the original permit. For purposes of this subsection, replacement of existing tanks with new tanks is considered a minor modification.

- (c) Pursuant to Rule 62-710.800(6)(c), F.A.C., changes at the Facility which involve routine maintenance, such as repair of equipment, replacement of equipment with similar equipment, aesthetic changes, or minor operational changes are not considered modifications, do not have to be reported to the Department, and require no permit fee. The Permittee should contact the Department if there are questions as to whether a change would be considered routine maintenance.
7. Notwithstanding the provisions of Rule 62-4.050, F.A.C., the fee for a Used Oil Processor Permit Application is \$2,000. The fee for a substantial modification to the permit or permit renewal application is \$500. No permit fee is required for minor modifications. Applications for renewal of permits shall be submitted to the Department at least 60 days prior to the expiration date of the existing permit in accordance with Rule 62-4.090, F.A.C.
8. All documents submitted pursuant to the conditions of this permit shall be accompanied by a cover letter stating: the name and date of the document submitted; the EPA I.D. number of the facility; the number(s) of the Specific Condition(s) affected; the permit number and project name of the permit involved.
9. All request for permit modifications shall be certified by the owner and operator and signed, sealed, and certified by a Professional Engineer registered in the State of Florida, in accordance with 471, F.S. All submittals incorporating interpretation of geological data shall be signed and sealed by a Professional Geologist registered in the State of Florida in accordance with 492, F.S.
10. The Department may revoke this permit in accordance with 403.087(7), F.S., or may modify this permit in accordance with Rule 62-4.080, F.A.C. The filing of a request for a permit modification or the notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition.
11. The Permittee shall submit any substantial revisions in the permitted operation or design of this facility to the Department for approval prior to implementation. A copy of the cover letter accompanying the substantial revision and the fee shall be sent to:
- Florida Department of Environmental Protection
Post Office Box 3070
Tallahassee, Florida 32315 -3070
12. The Permittee shall apply for permit renewal at least 60 days before the expiration date of this permit, in accordance with the requirements of Rule 62-4.090, FAC. A copy of the cover letter accompanying the renewal and the fee shall be sent to:

Florida Department of Environmental Protection
Post Office Box 3070
Tallahassee, Florida 32315 -3070

13. The Permittee shall submit a revised "Part I" of the Application Form for a Used Oil Processing Facility Permit to the Department within 30 days of any changes in the information stated in Part I.
14. The Department may modify the conditions of this permit in accordance with Rule 62-4.080, F.A.C.
15. This permit is transferable only upon Department approval in accordance with Rule 62-4.120, F.A.C. The Permittee shall be liable for any noncompliance with the permitted activity until the transfer is approved by the Department.
16. The Permittee shall annually register its used oil handling activities with the Department on DEP Form 62-701.900(13) by March 1 of each year.
17. The Permittee shall maintain documentation of any shipment of used oil that is refused due to failure to meet pre-screening requirements set forth in Attachment C of the permit application.
18. The Permittee may claim confidential any information required to be submitted by this permit in accordance with Section 403.111 and 403.73, F.S.
19. The conditions in this permit shall take precedence over the permit application documents where there are differences between these documents and the permit conditions.

PART II – USED OIL PROCESSING REQUIREMENTS:

1. Pursuant to 40 CFR 279.56 (Tracking) and Rule 62-710.510(1), F.A.C., the Permittee must comply with the following tracking requirements: Perma-Fix of Fort Lauderdale, Inc. shall maintain records on DEP Form 62-701.900 (13) or on substantially equivalent forms which contain at least the same information as the Department form.
 - (a) Acceptance: Used oil processors/re-refiners must keep a record of each used oil shipment accepted for processing/re-refining. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment must include the following information:
 1. The name, address and EPA identification number (if applicable) of the transporter who delivered the used oil to the processor/re-refiner, oil-burner or disposal facility;

2. The name, address and EPA identification number (if applicable) of the generator or processor/re-refinery from whom the used oil was received for processing/re-refining;
 3. The quantities of each type of used oil accepted and date of acceptance.
 4. Waste stream approval number and the off load tank number.
- (b) Delivery: Used oil processor/re-refiners must keep a record of each shipment of used oil that is shipped to a used oil burner, processor/re-refiner, or disposal facility. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment must include the following information:
1. The name, address and EPA identification number (if applicable) of the transporter delivering the used oil to the receiving facility;
 2. The name, address and EPA identification number (if applicable) of the oil-burner, processor/re-refinery or disposal facility receiving the shipment;
 3. The quantities of used oil shipped and date of shipment.
 4. The laboratory analytical number.
- (c) Record retention: The records described in paragraph (a) and (b) of this section must be maintained for at least three years. The records shall be kept at the permitted facility and shall be available for inspection by the Department during normal business hours.
2. Pursuant to 40 CFR 279.57, the Permittee must keep a written operating record at the Facility and maintained until closure of the Facility, which includes the following information:
 - (a) Records and results of used oil analyses performed as described in the analysis plan required under 40 CFR 279.55.
 - (b) Summary reports and details of all incidents that require implementation of the contingency plan as specified in 40 CFR 279.52(b).
 3. The Permittee shall maintain as part of the operating record of the Facility the inspection records and release detection monitoring records required in Rule 62-761.710, F.A.C., for aboveground storage tanks, integral piping, and process tanks.
 4. The Permittee shall maintain and operate the facility to minimize the possibility of fire, explosion, or any unplanned sudden or non-sudden release of used oil, sludges, residues or constituents to air, soil, or surface water which could threaten human health or the environment, in accordance with 40 CFR 279.52(1).

5. Pursuant to Rule 62-710.800(3), F.A.C., aboveground storage and process tanks having a capacity greater than 550 gallons, and all integral piping shall comply with the performance standards for new tanks of Rule 62-761.500, F.A.C., for existing shop fabricated/field erected tanks of Rule 62-761.510, F.A.C. Repairs to aboveground storage and process tanks shall meet the criteria of Rule 62-761.700, F.A.C.
6. The Permittee shall prevent the release of used oil, oily waste or oily wastewater to the environment. The secondary containment system shall be maintained in accordance with the permit application and shall comply with the requirements of 40 CFR 279.54, including the requirements set forth below:
 - (a) All new components shall have secondary containment as required by parts (b) and (c) of this condition prior to being put into service.
 - (b) The secondary containment system shall meet the requirements of 40 CFR 279.54 and shall be:
 1. Designed, installed and operated to prevent any migration of wastes or accumulated liquid to the soil, groundwater or surface waters.
 2. Capable of detecting and collecting releases and run-on until the collected material is removed.
 3. Constructed of or lined with materials compatible with the waste to be stored and have sufficient strength to sustain the stresses induced by a failure of the primary containment system as well as other stresses that may be induced by the environment.
 4. Placed on a foundation or base capable of providing support to the secondary containment system.
 5. Provided with leak detection system designed and operated to detect failure of either the primary or secondary containment structures or the presence of any release within 24 hours.
 6. Sloped or otherwise designed and operated to drain or remove liquids resulting from leaks, spills, or precipitation.
 7. Designed and operated, to contain 110% of the capacity of the largest tank within its boundary.
 - (c) Ancillary equipment shall be provided with secondary containment.

PART III – Non-Hazardous, Non-Used Oil Waste

1. The facility may accept non-hazardous solid wastes generated from CERCLA sites that do not qualify as used oil, such as petroleum contaminated debris and soil. The waste will be bulked and/or processed for acceptance at permitted solid waste disposal or processing facilities.
 - (a) All wastes received at the site for solidification will be received directly into a sealed roll-off container located in an area that has secondary containment. There shall be no intermediate storage of treated or untreated waste outside the roll-off.
 - (b) All waste shall be analyzed in accordance with the Analysis Plan in Attachment C of the Permit Application dated October 23, 2002. Only non-hazardous waste may be processed. Waste that is characterized as being hazardous shall be properly transported to a facility permitted to accept hazardous waste.
 - (c) Blending shall take place in the sealed roll-off container. This same roll-off will be used to transport the processed waste to a permitted solid waste facility. The amount of waste on the site shall not exceed one (1) roll-off container.
2. The permittee shall maintain compliance with the financial assurance requirements of Rule 62-701.700, F.A.C., by submitting all required updated supporting documentation in accordance with Rule 62-701.630, F.A.C., and 40 CFR Part 264 Subpart H as adopted by reference in 62-701.630, F.A.C. All submittals in response to this specific condition shall be sent to:

Florida Department of Environmental Protection
Financial Coordinator – Solid Waste Section
2600 Blair Stone Road MS 4565
Tallahassee, Florida 32399-2400

3. The permittee shall, in addition to annually adjusting the closure and long-term care estimates, adjust the financial assurance mechanism to reflect an increase in cost estimates. Cost estimate adjustments shall be in accordance with Rule 62-701.630(4), F.A.C. Instrument adjustments shall be in accordance with Rule 62-701.630, F.A.C., and 40 CFR Part 264, Subpart H as adopted by reference in Rule 62-701.630, F.A.C. Documentation of financial mechanism increases shall be submitted to the Solid Waste Financial Coordinator at the above address. All estimate update submittals shall be sent to:

Department of Environmental Protection
Bureau of Solid and Hazardous Waste
Hazardous Waste Regulation Section
Attn: Environmental Administrator – MS 4560
2600 Blair Stone Road
Tallahassee, Florida 32399 - 2400

PART IV – TANKS:

“Tank system”, for the purpose of Part III of this permit, is defined as the storage tank(s), appurtenant equipment and secondary containment structures comprising the Permittee’s used oil processing facility.

1. The Permittee shall label or mark all above ground tanks and containers used to store or process used oil, with the words “Used Oil”. [40 CFR 279.54(f)]
2. The Permittee shall inspect all regulated tank systems in accordance with procedures presented in the permit application.
3. The inspection records and release detection monitoring required in Rule 62-761.600, F.A.C., for above ground process and storage tanks shall be maintained in the Permittee’s operating record.
4. Above ground storage and process tanks having a capacity greater than 550 gallons shall comply with the performance standards of Rules 62-761.500 and 62-761.510, F.A.C.
5. The Permittee shall prevent the release of used oil or other pollutants to the environment. The secondary containment shall be sealed, free of cracks and maintained in accordance with Rule 62-761.500(1)(e), F.A.C.
6. The Permittee shall provide and maintain adequate secondary containment that shall be impervious to the types of pollutant stored in the tanks and contain at least 110 percent of the volume of the largest tank in accordance with Rule 62-761.500, F.A.C.
7. Spilled or leaked waste must be removed from the secondary containment areas within three (3) days of the incident [Rule 62-761.820(1)(d), F.A.C.]. Accumulated precipitation must be removed from the secondary containment areas within one week after a rainfall event [Rule 62-761.700(3)(a), F.A.C.]. The above materials shall be managed in accordance with Attachment H of the permit application dated October 23, 2002 as modified on December 20, 2002.
8. The Permittee shall submit the proposed or constructed new tanks as built drawings within 30 days of completion of construction. Each drawing shall be certified by a Professional Engineer registered in the State of Florida.

PART V – PREPAREDNESS & PREVENTION / CONTINGENCY PLAN REQUIREMENTS:

1. The Permittee must comply with General Facility Standards pursuant to 40 CFR 279.52 and Rule 62-710.800(1), F.A.C., as follows:
 - (a) Maintenance and operation of the facility: The facility must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or

non-sudden release of used oil to air, soil, or surface water which could threaten human health or the environment.

- (b) Required equipment: The facility must be equipped with the following:
1. An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;
 2. A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams;
 3. Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment and decontamination equipment, as depicted in "Preparedness and Prevention Plan", Attachment F, and;
 4. Water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems.
- (c) Testing and maintenance of equipment: All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.
- (d) Access to communications or alarm systems: Whenever used oil is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee. If there is ever just one employee on the premises while the facility is operating, the employee must have immediate access to a device capable of summoning external emergency assistance.
- (e) Required aisle space: The Permittee must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any operational area of the facility in an emergency.
- (f) Arrangements with local authorities: Arrangements are required to familiarize police, fire departments, local hospitals, and emergency response teams with the layout of the facility, properties of used oil handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility and possible evacuation routes.
2. The Permittee shall comply with the following conditions concerning the Spill Prevention Control and Countermeasure Plan:

- (a) The Permittee shall immediately carry out the provisions of the "Spill Contingency Plan", Attachment G, of the permit application, and follow the emergency procedures described by 40 CFR 279.52 (b) (6), whenever there is a fire, explosion, or release of used oil, oily waste or oily wastewater which threatens or could threaten human health or the environment. The Permittee shall give proper notification if an emergency situation arises, and within 15 days must submit to the Department a written report which includes all the information required in 40 CFR 279.52 (b) (6).
 - (b) Within seven days of meeting any criteria listed in 40 CFR 279.52 (b) (4), the Permittee shall amend the plan and submit the amended plan for Department approval. Any other changes to the plan must be submitted to the Department within seven days of the change in the plan. All amended plans must be distributed to the appropriate agencies.
 - (c) When the contingency plan is implemented, the Permittee shall call the Department of Environmental Protection's 24-hour emergency telephone number which is (850) 413-9911 or (800)320-0519 or, during normal business hours, the DEP Southeast District Office may be contacted at (561)681-6600.
3. The Permittee shall maintain reports of all releases that are reportable quantities as required by 40 CFR 302, as part of the facility's on-site operating. The reports shall include amount and time of release, details of corrective actions taken, and the time of the corrective actions.

PART VI – TRAINING:

1. Facility personnel must successfully complete the approved training program identified in the Training Plan (Attachment J) of the permit application dated October 23, 2002 as revised on December 20, 2002. Personnel shall not work unsupervised until training has been completed.
2. The training plan must be reviewed by facility personnel at least annually. Verification of this training must be kept with the personnel training records and maintained on-site.
3. The Permittee shall maintain an updated list of personnel handling used oil and their respective job titles at the site.

PART VII – CLOSURE REQUIREMENTS:

1. The Closure Plan:
 - (a) The Permittee shall maintain an adequate written closure plan and it must demonstrate how the Facility will be closed in order to meet the following requirements that:
 1. There will be no need for further facility maintenance;

2. Used oil will not contaminate soil, surface water or groundwater;
3. All tanks, piping, secondary containment & ancillary equipment will be emptied, cleaned and decontaminated, and all materials removed and managed; and
4. Aboveground storage tanks and process tanks and all integral piping will be closed pursuant to Rule 62-761.800, F.A.C.
5. In addition, pursuant to closure requirements of 40 CFR 279.54(h), Permittees who store or process used oil in above ground tanks must comply with the following requirements:
 - i. At closure of a tank system, the Permittee must remove or decontaminate used oil residues in tanks, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them as hazardous waste, unless the materials are not hazardous waste as defined in 40 CFR 261 or determined, pursuant to 40 CFR 262.11.
 - ii. If the Permittee demonstrates that not all contaminated soils can be practicably removed or decontaminated as required in 40 CFR 279.54(h), then the Permittee must close the tank system and perform postclosure care in accordance with the closure and post closure care requirements that apply to hazardous waste landfills as defined in 40 CFR 265.310.
- (b) The closure plan, as described in Attachment I, "Closure Plan" of the application, shall be updated whenever significant operational changes occur or design changes are made.
- (c) The closure plan shall be maintained with records required under Rule 62-710.510, F.A.C.
- (d) The Permittee shall submit an updated and detailed closure plan to the Department at least 60 days prior to the scheduled date of closing the facility.
- (e) Within 30 days after closing the facility, the Permittee shall submit a certification of closure completion to the Department that demonstrates that the facility was closed in substantial compliance with the detailed closure plan.
2. Containers: Pursuant to closure requirements of 40 CFR 279.54(h), Permittees who store used oil in containers must comply with the following requirements:
 - (a) At closure, containers holding used oils or residues of used oil must be removed from the site;

Perma-Fix of Fort Lauderdale, Inc.
3701 SW 47th Avenue, Suite 109
Davie, Florida 33314

I.D. Number: FLD 981 018 773
Permit Number: 77390-HO-003
Date of Expiration: November 19, 2007

- (b) The Permittee must remove or decontaminate used oil residues, contaminated containment system components, contaminated soils, and structures or equipment contaminated with used oil, and manage them as hazardous waste unless the materials are not hazardous waste as defined in 40 CFR 261 or determined, pursuant to 40 CFR 261.11.
- 3. Tanks 4, 7, 9, 14, 15, 16, 17 and 18 were previously used for hazardous waste storage.
 - (a) Tanks 4, 7, 9, 14, 15, 16, 17 and 18 shall be closed in accordance with the closure plan dated March 18, 2003 and approved on March 31, 2003.
 - (b) Within 30 days after closing these tanks, the Permittee shall submit a certification of closure completion, including laboratory results, to the Department that demonstrates that the tanks were closed in accordance with the closure plan approved on March 31, 2003. This certification must be signed and sealed by a Professional Engineer registered in the state of Florida.
- 4. If these tanks can not be closed within 120 days of the issuance of this permit, the Permittee shall establish, and thereafter maintain, compliance with 40 CFR Part 264, Subpart H - Financial Requirements and Rule 62-730.180(7), F.A.C. All submittals in response to this Specific Condition shall be submitted to:

Financial Officer
Hazardous Waste Regulation Section
M.S. 4560
Bureau of Solid and Hazardous Waste
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

PART VIII – REMEDIATION OF SITEWIDE CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS AND AREAS OF CONCERN (SWMU'S & AOC'S):

- 1. Soil and groundwater confirmatory sampling results for this facility are documented in the Final RCRA FACILITY ASSESSMENT REPORT issued February 2001 and the subsequent revision dated March 18, 2002.
- 2. All Solid Waste Management Units and Areas of Concern have been recommended for "No Further Action at this time".

Perma-Fix of Fort Lauderdale, Inc.
3701 SW 47th Avenue, Suite 109
Davie, Florida 33314

I.D. Number: FLD 981 018 773
Permit Number: 77390-HO-003
Date of Expiration: November 19, 2007

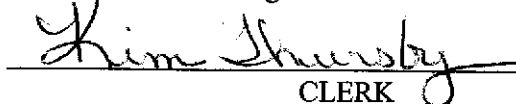
Issued 12 June 2003

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



JOHN M. RUDELL, DIRECTOR
DIVISION OF WASTE MANAGEMENT

Filing and Acknowledgment
Filed on this date, pursuant to
Section 120.52, Florida Statutes,
with the designated Clerk, receipt
of which is acknowledged.

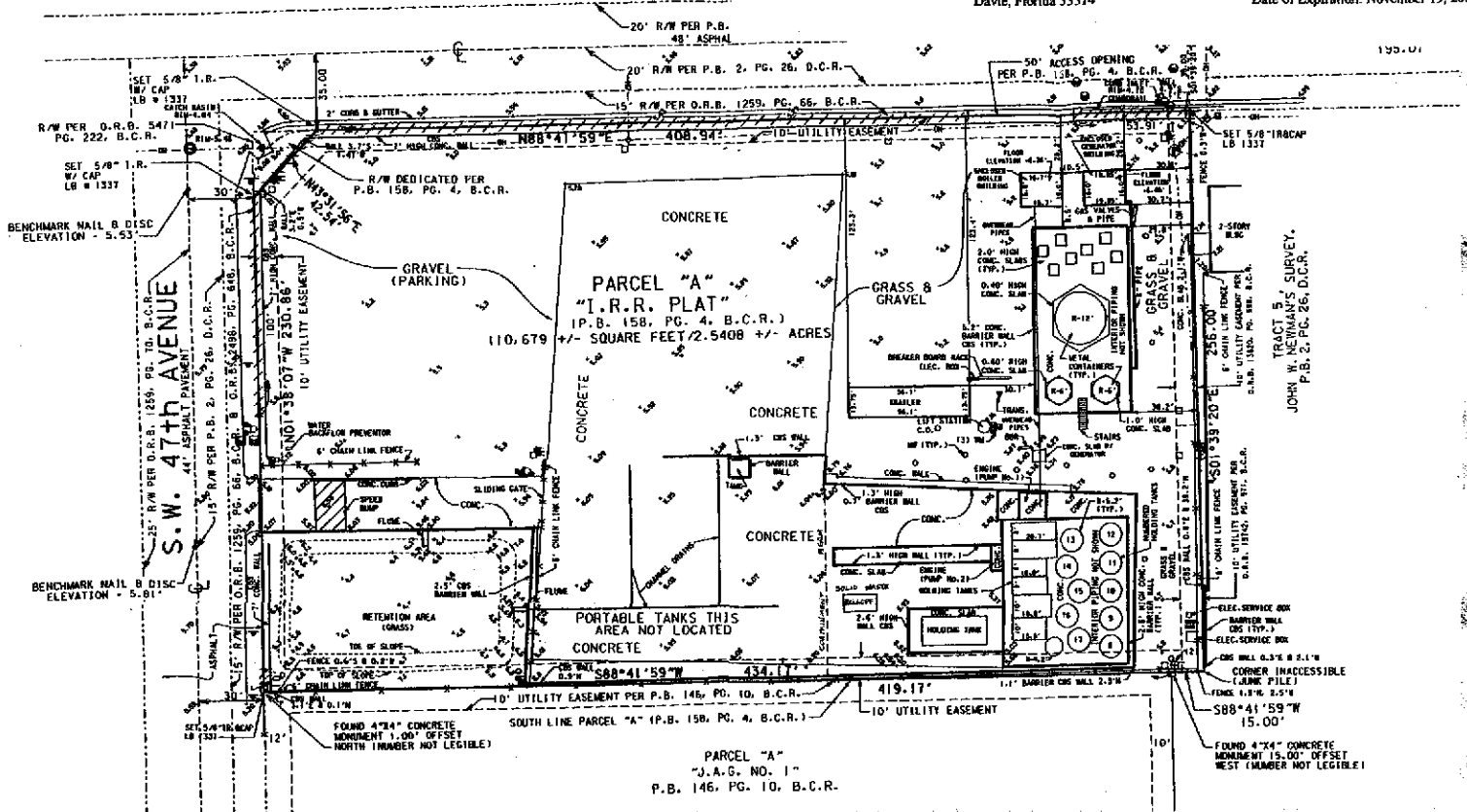

CLERK

6-13-03
DATE

This is to certify that this Notice of Permit was mailed before
close of business on June 13, 2003

Perma-Fix of Fort Lauderdale, Inc.
3701 SW 47th Avenue, Suite 109
Davie, Florida 33314

I.D. Number: FLD 981 018 773
Permit Number: 77390-HO-003
Date of Expiration: November 19, 2007



Attachment A -- Site Layout

Perma-Fix of Fort Lauderdale, Inc.
3701 SW 47th Avenue, Suite 109
Davie, Florida 33314

I.D. Number: FLD 981 013 773
Permit Number: 77390-HO-003
Date of Expiration: November 19, 2007

Attachment B – Tanks and contents

Tank Number	Volume (Gallons)	Contents	Condition
Mixer	6,000	Used Oil	Good
1	8,000	Used Oil	Good
2	8,000	Used Oil	Good
3	6,000	Used Oil	Good
4	6,000	Wastewater	Good
5	10,000	Used Oil	Good
6	9,500	Waste Diesel	Good
7	10,000	Wastewater	Good
8	20,000	Used Oil & Diesel	Good
9	20,000	Wastewater	Good
10	20,000	Used Oil	Good
11	20,000	Used Oil	Good
12	20,000	Used Oil	Good
13	20,000	Used Oil	Good
14	20,000	Wastewater	Good
15	20,000	Wastewater	Good
16	20,000	Wastewater	Good
17	20,000	Wastewater	Good
20	1,000	Diesel Fuel	Good
21	100,000	Wastewater	Good



Department of Environmental Protection

Jeb Bush
Governor

Twin Towers Office Building
2600 Blair Stone Road MS 4565
Tallahassee, Florida 32399-2400
June 6, 2003

David B. Struhs
Secretary

Ms. Rebecca Brayman
Trust Officer - Southtrust Bank, N. A.
110 Office Park Drive, 2nd Floor
Birmingham, Alabama 35223

RECEIVED
JUN 17 2003
DEPT OF ENV PROTECTION
WEST PALM BEACH

Re: WACS 00064664 - Perma-Fix of Ft. Lauderdale, Inc.

Dear Ms. Brayman:

In accordance with 40 CFR Part 264.143(a)(11)(i), as adopted by reference in Rule 62-701.630, Florida Administrative Code, we are returning to you for termination Southtrust Bank standby trust fund agreement, entered into as of January 7, 2003. Perma-Fix of Ft. Lauderdale, Inc. is providing financial assurance through an approved alternate mechanism.

In accordance with Section 17 of the standby trust fund agreement, we hereby agree to its cancellation. If you have any questions about this procedure, please contact Fred J. Wick at (850) 245-8707.

Sincerely,

John M. Ruddell, Director
Division of Waste Management

JMR/tb

Enclosure

cc: Fred Wick, DEP/TLH
Bheem Kothur, DEP/TLH
Joe Lurix, DEP/WPB
Shaun Lennon, Perma-Fix
Dave Hansen, Perma-Fix



Department of Environmental Protection

Jeb Bush
Governor

Twin Towers Office Building
2600 Blair Stone Road MS 4565
Tallahassee, Florida 32399-2400
June 6, 2003

David B. Struhs
Secretary

Mr. Larry Howard
American Guarantee and Liability Insurance Company
One Liberty Plaza, 30th Floor
New York, New York 10006

Re: WACS 00064664 - Perma-Fix of Ft. Lauderdale, Inc.

Dear Mr. Howard:

In accordance with 40 CFR Part 264.143(b)(9), as adopted by reference in Rule 62-701.630, Florida Administrative Code, we are returning to you for termination American Guarantee and Liability Insurance Company guarantee bond number SUR9279033, effective September 28, 2001. Perma-Fix of Ft. Lauderdale, Inc. is providing financial assurance through an approved alternate mechanism.

We hereby agree to the cancellation of this guarantee bond. If you have any questions about this procedure, please contact Fred J. Wick at (850) 245-8707.

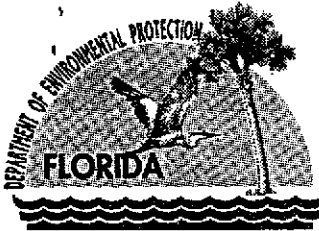
Sincerely,

John M. Ruddell, Director
Division of Waste Management

JMR/tb

Enclosure

cc: Fred Wick, DEP/TLH
Bheem Kothur, DEP/TLH
Joe Lurix, DEP/WPB
Shaun Lennon, Perma-Fix
Dave Hansen, Perma-Fix



Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

David B. Struhs
Secretary

April 2, 2003

RECEIVED

APR 11 2003

DEPT OF ENV PROTECTION
WEST PALM BEACH

CERTIFIED - RETURN RECEIPT
7000 0520 0021 3377 2078

Mr. Shawn Lennon, Jr.
General Manager
Perma-Fix of Fort Lauderdale, Inc.
3701 SW 47th Avenue, Suite 109
Davie, Florida 33314

SUBJECT: Perma-Fix of Fort Lauderdale, Inc.
Davie Facility
EPA I. D. Number FLD 981 018 773
Used Oil and Material Processing Facility
Permit Number 77390-HO-003
Broward County

Dear Mr. Lennon:

Pursuant to Section 403.815, Florida Statutes (F.S.), and Chapters 62-701, 62-710 and 62-730, Florida Administrative Code (F.A.C.), the Department requires you to publish and broadcast, at your own expense, the enclosed Notice of Proposed Agency Action. Also enclosed is the language for the newspaper and radio announcement.

Pursuant to Section 403.815, F.S., and Rule 62-730.220 (9), F.A.C., the notice must be published one time only in the legal ad section of a major local newspaper of general circulation in Broward County and broadcast one time only over a local radio station within thirty (30) days of receipt of this letter. Proof of publication and broadcast must be provided to the Department within fourteen (14) days of publication of the notice.

"More Protection, Less Process"

Printed on recycled paper.

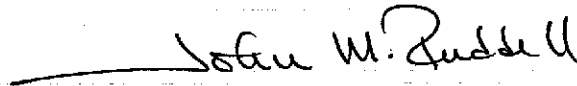
Mr. Shawn Lennon, Jr.

April 2, 2003

Page Two

Failure to publish this notice and provide proof of publication and broadcast within the allotted time may result in denial of the permit application without any further notice or opportunity for hearing.

Sincerely,



John M. Ruddell, Director
Division of Waste Management

JMR/wpp

Enclosures

cc w/enc.:

Doug McCurry, EPA/Region 4

Steve Brown, DEP/West Palm Beach

Mayor, City of Davie

Chair, Broward County Board of County Commissioners

Jeffrey Halsey, Broward County Department of Planning and Environmental Protection

Don Palmer, U.S. Fish & Wildlife Service

Lt. Brad Hartman, Florida Fish and Wildlife Conservation Commission

**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In the Matter of an
Application for Permit by:

Perma-Fix of Fort Lauderdale, Inc.
3701 SW 47th Avenue, Suite 109
Davie, Florida 33314

DEP File No. 77390-HO-003
EPA I.D. FLD 981 018 773
Broward County

INTENT TO ISSUE

The Florida Department of Environmental Protection ("the Department") gives notice of its intent to issue a permit (copy enclosed) for the proposed project as detailed in the application specified above, for the reasons stated below.

The applicant, Perma-Fix of Fort Lauderdale, Inc., applied on October 23, 2002 and provided supplemental information, dated December 20, 2002 and March 18, 2003, to the Department for renewal of a permit (HO06-307932) to continue to operate a used oil storage and processing facility and to close certain tanks at the facility as a hazardous waste facility in Davie, Florida. All other sitewide corrective action required has been completed. The Department has permitting jurisdiction under Sections 403.704(16), 403.722 and 403.769, Florida Statutes (F.S.), and Chapters 62-4, 62-701, 62-710 and 62-730, Florida Administrative Code (F.A.C.). The project is not exempt from permitting procedures. The Department has determined that an operating permit is required for the proposed work. The Department intends to issue the permit with the conditions included in the enclosed draft permit.

Pursuant to Sections 403.722 and 403.815, F.S., and 62-730.220, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Newspaper Notice, and to broadcast over a local radio station the enclosed Radio Announcement. The notice shall be published one time only within thirty (30) days in the legal ad section of a daily, major newspaper of general circulation in the area affected. For the purpose of this notice, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. Where there is more than one daily newspaper of general circulation in the county, the newspaper used must be one with significant circulation in the area that may be affected by the permit. If you are uncertain that a newspaper meets these requirements, please contact the Office of General Counsel of the Department at (850) 245-2242. The applicant shall provide proof of publication to the Department of Environmental Protection at 2600 Blair Stone Road, Mail Station #4560, Tallahassee, Florida 32399-2400, Attention: Administrator, Hazardous Waste Regulation Section, within fourteen (14) days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit.

The Radio Announcement shall be broadcast one time only within thirty (30) days on a licensed commercial radio station of sufficient power to be clearly received in the area that may be affected by the permit. **Broadcast of the notice shall occur between 8:00 a.m. and 10:00 p.m.** The applicant shall provide proof of broadcast to the Department of Environmental Protection, 2600 Blair Stone Road, Mail Station #4560, Tallahassee, Florida 32399-2400; Attention: Administrator, Hazardous Waste Regulation Section, within fourteen (14) days of the broadcast. Failure to broadcast the announcement and provide proof of the broadcast within the allotted time may result in the denial of the permit.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000.

Petitions by the permit applicant or any of the parties listed below must be filed within forty-five (45) days of receipt of this Intent. Petitions filed by other persons must be filed within forty-five (45) days of publication of the public notice or within forty-five (45) days of their receipt of this notice of intent, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Department for notice of agency action may file a petition within forty-five (45) days of receipt of such notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are or will be affected by the Department's action or proposed action;
- (d) A statement of all material facts disputed by petitioner, or a statement that there are no disputed facts;
- (e) A statement of the ultimate facts alleged, including a statement of the specific facts which the petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of the specific rules or statutes petitioner contends require reversal or modification of the Department's action or

proposed action; and (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.


Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Any person may request a public meeting regarding the proposed permitting decision pursuant to Section 403.722(10), F.S. A request for a public meeting is not equivalent to a request for a formal or informal administrative hearing. Public meetings are not evidentiary in nature, and information submitted at a public meeting is for non-binding consideration only. A public meeting is not subject to court or appellate review. A request for a public meeting must be filed (received) in the Office of General Counsel within forty-five (45) days of publication of this notice. Failure to file a request for a public meeting within this time period shall constitute a waiver of any right such a person may have to request a meeting under Section 403.722(10), F.S.

Mediation is not available in this proceeding.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



John M. Ruddell, Director
Division of Waste Management
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
(850) 245-8705

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this INTENT TO ISSUE and all copies were mailed before the close of business on

April 9, 2003.

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to S.120.52 (11), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Kim Shurby
Clerk

4-9-03
Date

cc: Doug McCurry, EPA/Region 4
Steve Brown, DEP/West Palm Beach
Mayor, City of Davie
Chair, Broward County Board of County Commissioners
Jeffrey Halsey, Broward County Department of Planning and Environmental Protection
Don Palmer, U.S. Fish & Wildlife Service
Lt. Brad Hartman, Florida Fish and Wildlife Conservation Commission

Statutes must be filed within forty-five (45) days of publication of this notice of intent or receipt of the written notice, whichever occurs first. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within this time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

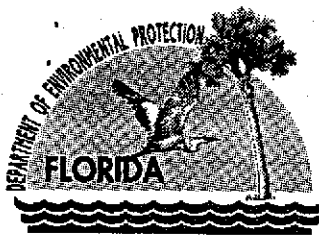
A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;
- (d) A statement of all material facts disputed by petitioner, or a statement that there are no disputed facts;
- (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of which rules or statutes the petitioner contends require reversal or modification of the Department's action or proposed action; and
- (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available in this proceeding.



Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

David B. Struhs
Secretary

PERMITTEE:

Perma-Fix of Fort Lauderdale, Inc.
3701 SW 47th Avenue, Suite 109
Davie, Florida 33314

I.D. Number: FLD 981 018 773
Permit Number: 77390-HO-003
Date of Issue: DRAFT
Date of Expiration: November 19, 2007

Attention:
Mr. Shawn Lennon, Jr., General Manager

County: Broward
Lat./Long: 26°04'37"N / 80°12'36"W

Project: Used Oil and Material Processing
Facility

This permit is issued under the provisions of Sections 403.722 and 403.769, Florida Statutes (F.S.), and Florida Administrative Code Chapters (F.A.C.) 62-4, 62-701, 62-710, 62-730, 62-740 and 40 CFR Part 279. The above named Permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

TO OPERATE: A Used Oil Processing Facility hereinafter referred to as the "Facility". The Used Oil Processing Facility is located in Broward County at 3670 SW 47th Avenue, Davie, Florida 33314. A diagram of the site layout is included as **Attachment A**.

The facility is authorized to process used oil, oily wastewater, petroleum contact water, oily solid waste and used oil filters under this permit.

The Facility consists of nineteen (19) tanks ranging from 1,000 gallons to 20,000 gallons and one (1) 100,000 gallon tank. All tanks are located within the secondary containment unit as shown in **Attachment A**. The capacity and use of each tank is shown in **Attachment B**.

Solid waste storage is limited to one covered roll-off container.

In addition to the activities regulated under this permit, the Facility is a Hazardous Waste Transfer Station.

The facility is also authorized to close tanks 4, 7, 9, 14, 15, 16, 17 and 18 which were previously used for hazardous waste storage.

The Facility is located on an approximately 2.5-acre parcel of land owned by Perma-Fix of Fort Lauderdale, Inc. The Permittee will process and market used oil in accordance with the permit application. The permittee will also process non-hazardous, non-used oil wastes for disposal.

Radio Announcement:

STATE OF FLORIDA
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
PUBLIC NOTICE OF PROPOSED AGENCY ACTION
NOTICE OF INTENT TO ISSUE

The Florida Department of Environmental Protection gives notice of its intent to issue a permit under Sections 403.722 and 403.769, Florida Statutes, and Chapters 62-4, 62-710 and 62-730 of the Florida Administrative Code to Perma-Fix of Fort Lauderdale, Inc., Davie, Florida, I.D. number FLD 981 018 773. The permit contains conditions to continue to allow used oil and oily solid waste to be accepted and treated at the Perma-Fix of Fort Lauderdale, Inc. site at Davie, Florida, close certain tanks at the facility as a RCRA facility and to implement corrective action pursuant to HSWA at the site.

A person who is substantially affected by the Department's proposed permitting decision may file a petition for an administrative hearing in accordance with Sections 120.569 and 120.57, Florida Statutes. If a petition for a hearing is filed, the administrative hearing process is designed to formulate agency action. Any other person may request a public meeting pursuant to Section 403.722(10), Florida Statutes. A petition for an administrative hearing or a request for a public meeting must be filed in the Office of General Counsel within forty-five days of broadcast of this radio announcement. The Department's final agency action may be different from the position taken in this preliminary statement, so persons who support the proposed agency action may also wish to intervene.

Mediation is not available in this proceeding.

For more information concerning the hearing process and the necessary time frames for filing, please contact the Office of General Counsel at (850) 245-2242. Copies of the application and the draft permit are available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department's Hazardous Waste Regulation Section, 2600 Blair Stone Road, Tallahassee, Florida, 32399-2400, (850) 245-8707; and at the Department of Environmental Protection, Southeast District Office, 400 North Congress Avenue, West Palm Beach, Florida 33401, (561) 681-6600.

Perma-Fix of Fort Lauderdale, Inc.
3701 SW 47th Avenue, Suite 109
Davie, Florida 33314

I.D. Number: FLD 981 018 773
Permit Number: 77390-HO-003
Date of Expiration: November 19, 2007

PERMIT HISTORY:

1. Used Oil Processing Facility Permit Application and Instructions Final Draft (9/30/96) received June 18, 1997.
2. Used Oil Processing Facility Permit Application dated October 23, 2002.
3. Additional information dated December 20, 2002 in response to first Notice of Deficiency dated December 2, 2002.
4. Final RCRA Facility Assessment Report dated February, 2001 as revised March 18, 2002.
5. Closure plan for tanks 4, 7, 9, 14, 15, 16, 17 and 18 dated March 18, 2003 and approved on March 31, 2003.

GENERAL CONDITIONS (PURSUANT TO CHAPTER 62-4, F.A.C.):

1. The terms, conditions, requirements, limitations, and restrictions set forth in this permit are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, F.S. The Permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in Subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor infringement of federal, state or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interest has been obtained from the state. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
5. This permit does not relieve the Permittee from liability for harm or injury to human health or welfare, animal, plant life or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the Permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The Permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the Permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
7. The Permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:
 - (a) Have access to and copy any records that must be kept under conditions of the permit;

- (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
- (c) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or with Department rules.

Reasonable time may depend on the nature of the concern being investigated.

- 8. If, for any reason, the Permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the Permittee shall immediately provide the Department with the following information:
 - (a) A description of and cause of non-compliance; and
 - (b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The Permittee shall be responsible for any and all damages, which may result and may be subject to enforcement action by the Department for penalties or revocation of this permit.
- 9. In accepting this permit, the Permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is proscribed by Sections 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
- 10. The Permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance, provided, however, the Permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-303.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard.
- 11. This permit is transferable only upon Department approval in accordance with Rules 62-4.120 and 62-710.800, F.A.C., as applicable. The Permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department.
- 12. This permit or a copy thereof shall be kept at the work site of the permitted activity.
- 13. This permit also constitutes:
 - (a.) Determination of Best Available Control Technology (BACT);
 - (b.) Determination of Prevention of Significant Deterioration (PSD);

- (c.) Certification of compliance with state Water Quality Standards (Section 401, PL 92-500); and
- (d.) Compliance with New Source Performance Standards.

14. The Permittee shall comply with the following:

- (a) Upon request, the Permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
- (b) The Permittee shall hold at the facility, or other location designated by this permit, records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by this permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report or application unless otherwise specified by Department rule.

(c) Records of monitoring information shall include:

- 1. The date, exact places, and time of sampling or measurements;
- 2. The person responsible for performing the sampling or measurements;
- 3. The date(s) analyses were performed;
- 4. The person responsible for performing the analyses;
- 5. The analytical techniques or methods used;
- 6. The results of such analyses.

15. When requested by the Department, the Permittee shall within a reasonable time furnish any information required by law that is needed to determine compliance with the permit. If the Permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

16. In the case of an underground injection control permit, the following permit conditions also shall apply:

- (a.) All reports or information required by the Department shall be certified as being true, accurate and complete.
- (b.) Reports of compliance or noncompliance with, or any progress reports on, requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

(c.) Notification of any noncompliance which may endanger health or the environment shall be reported verbally to the Department within 24 hours and again within 72 hours, and a final written report provided within two weeks.

- 1 The verbal reports shall contain any monitoring or other information which indicate that any contaminant may endanger an underground source of drinking water and any noncompliance with a permit condition or malfunction of the injection system which may cause fluid migration into or between underground sources of drinking water.
- 2 The written submission shall contain a description of and a discussion of the cause of the noncompliance and, if it has not been corrected, the anticipated time the noncompliance is expected to continue, the steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance and all information required by Rule 62-528.230(4)(b), F.A.C.

(d.) The Department shall be notified at least 180 days before conversion or abandonment of an injection well, unless abandonment within a lesser period of time is necessary to protect waters of the state.

17. The following conditions also shall apply to a hazardous waste facility permit.

(a.) The following reports shall be submitted to the Department:

- 1 Manifest discrepancy report. If a significant discrepancy in a manifest is discovered, the Permittee shall attempt to rectify the discrepancy. If not resolved within 15 days after the waste is received, the Permittee shall immediately submit a letter report, including a copy of the manifest, to the Department.
- 2 Unmanifested waste report. The Permittee shall submit an unmanifested waste report to the Department within 15 days of receipt of unmanifested waste.

(b.) Notification of any noncompliance which may endanger health or the environment, including the release of any hazardous waste that may endanger public drinking water supplies or the occurrence of a fire or explosion from the facility which could threaten the environment or human health outside the facility, shall be reported verbally to the Department within 24 hours, and a written report shall be provided within 5 days. The verbal report shall include the name, address, I.D. number, and telephone number of the facility, its owner or operator, the name and quantity of materials involved, the extent of any injuries, an assessment of actual or potential hazards, and the estimated quantity and disposition of recovered material. The written submission shall contain:

- 1 A description and cause of the noncompliance.

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- 2 If not corrected, the expected time of correction, and the steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.
- (c.) Reports of compliance or noncompliance with, or any progress reports on, requirements in any compliance schedule shall be submitted no later than 14 days after each schedule date.
- (d.) All reports or information required by the Department by a hazardous waste Permittee shall be signed by a person authorized to sign a permit application.
- (e.) Unless expressly provided otherwise, references in this permit to specific Chapters or Rules of the Florida Administrative Code (F.A.C.) and specific parts or sections of 40 Code of Federal Regulations (CFR) shall be construed to include the caveat, "as the Chapter, Rule, part or section may be amended or renumbered from time to time."

SPECIFIC CONDITIONS:

PART I – STANDARD REQUIREMENTS:

1. Rules
 - (a) The facility shall comply with all applicable portions of 40 CFR Part 279 and Chapter 62-710, Florida Administrative Code, (F.A.C.).
 - (b) This facility shall be constructed and operated in accordance with all applicable requirements of Chapters 62-4, 62-701, 62-710 and 62-740, F.A.C., and all other applicable requirements of Department Rules.
 - (c) By acceptance of this Permit, the Permittee certifies that he has read and understands the obligations imposed by the Specific and General Conditions contained herein, including the date of permit expiration and renewal deadlines. It is a violation of this permit to fail to comply with all conditions and deadlines.
 - (d) Nothing contained in General Condition 10 shall be deemed to waive any right Permittee has under Florida Statutes or Department rules to oppose application of any such changes to the facility if Permittee is otherwise legally entitled to do so.
2. Submittals in response to any conditions in this permit shall be submitted as follows:
 - (a) Two (2) copies shall be submitted to:

Department of Environmental Protection
Bureau of Solid and Hazardous Waste
Hazardous Waste Regulation Section
Attn: Environmental Administrator – MS 4560

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2600 Blair Stone Road
Tallahassee, Florida 32399 - 2400

(b) One (1) copy shall be submitted to:

Hazardous Waste Program Administrator
Department of Environmental Protection
Southeast District Office
400 North Congress Avenue
West Palm Beach, Florida 33401

3. The Permittee shall display the validated registration form and identification number in a prominent place at the facility in accordance with Rule 62-710.500(4), F.A.C.
4. No later than March 1 of each year, the Permittee shall submit an annual report for the preceding calendar year to the Department on DEP form 62-701.900(14). The report shall summarize the records kept pursuant to 40 CFR 279.57(b) and Rule 62-710.510, F.A.C, Record Keeping: The records described in this paragraph shall include:
 - (a) The EPA identification number, name, and address of the processor/ re-refiner;
 - (b) The calendar year covered by the report; and
 - (c) The quantities of used oil accepted for processing/re-refining and the manner in which the used oil is processed/re-refined, including the specific processes employed.
5. The Permittee shall operate, modify, or close the facility only pursuant to a permit issued by the Department in accordance with Chapter 62-710 F.A.C.
6. Before closing or making any substantial modifications to the Facility, the Permittee shall submit to the Department the Used Oil Processing Facility Permit Modification Request, pursuant to Rules 62-710.800(6) and 62-4.050(6) and (7), F.A.C.
 - (a) Pursuant to Rules 62-710.800(6) and 62-4.050(6) and (7), F.A.C., a substantial modification means a modification that is reasonably expected to lead to substantially different environmental impacts that requires a detailed review. For purposes of this subsection, an increase in storage capacity of the facility by 25% or 25,000 gallons, whichever is less is considered a substantial modification.
 - (b) Pursuant to Rules 62-4.050(4) and 62-710.800(6)(b), F.A.C., a minor modification means a modification that does not require substantial technical evaluation by the Department, does not require a new site inspection by the Department, and will not lead to substantially different environmental impacts or will lessen the impacts of the original permit. For purposes of this subsection, replacement of existing tanks with new tanks is considered a minor modification.

- (c) Pursuant to Rule 62-710.800(6)(c), F.A.C., changes at the Facility which involve routine maintenance, such as repair of equipment, replacement of equipment with similar equipment, aesthetic changes, or minor operational changes are not considered modifications, do not have to be reported to the Department, and require no permit fee. The Permittee should contact the Department if there are questions as to whether a change would be considered routine maintenance.
7. Notwithstanding the provisions of Rule 62-4.050, F.A.C., the fee for a Used Oil Processor Permit Application is \$2,000. The fee for a substantial modification to the permit or permit renewal application is \$500. No permit fee is required for minor modifications. Applications for renewal of permits shall be submitted to the Department at least 60 days prior to the expiration date of the existing permit in accordance with Rule 62-4.090, F.A.C.
8. All documents submitted pursuant to the conditions of this permit shall be accompanied by a cover letter stating: the name and date of the document submitted; the EPA I.D. number of the facility; the number(s) of the Specific Condition(s) affected; the permit number and project name of the permit involved.
9. All request for permit modifications shall be certified by the owner and operator and signed, sealed, and certified by a Professional Engineer registered in the State of Florida, in accordance with 471, F.S. All submittals incorporating interpretation of geological data shall be signed and sealed by a Professional Geologist registered in the State of Florida in accordance with 492, F.S.
10. The Department may revoke this permit in accordance with 403.087(7), F.S., or may modify this permit in accordance with Rule 62-4.080, F.A.C. The filing of a request for a permit modification or the notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition.
11. The Permittee shall submit any substantial revisions in the permitted operation or design of this facility to the Department for approval prior to implementation. A copy of the cover letter accompanying the substantial revision and the fee shall be sent to:
- Florida Department of Environmental Protection
Post Office Box 3070
Tallahassee, Florida 32315 -3070
12. The Permittee shall apply for permit renewal at least 60 days before the expiration date of this permit, in accordance with the requirements of Rule 62-4.090, FAC. A copy of the cover letter accompanying the renewal and the fee shall be sent to:

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3701 SW 47th Avenue, Suite 109
Davie, Florida 33314

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Florida Department of Environmental Protection
Post Office Box 3070
Tallahassee, Florida 32315 -3070

13. The Permittee shall submit a revised "Part I" of the Application Form for a Used Oil Processing Facility Permit to the Department within 30 days of any changes in the information stated in Part I.
14. The Department may modify the conditions of this permit in accordance with Rule 62-4.080, F.A.C.
15. This permit is transferable only upon Department approval in accordance with Rule 62-4.120, F.A.C. The Permittee shall be liable for any noncompliance with the permitted activity until the transfer is approved by the Department.
16. The Permittee shall annually register its used oil handling activities with the Department on DEP Form 62-701.900(13) by March 1 of each year.
17. The Permittee shall maintain documentation of any shipment of used oil that is refused due to failure to meet pre-screening requirements set forth in Attachment C of the permit application.
18. The Permittee may claim confidential any information required to be submitted by this permit in accordance with Section 403.111 and 403.73, F.S.
19. The conditions in this permit shall take precedence over the permit application documents where there are differences between these documents and the permit conditions.

PART II – USED OIL PROCESSING REQUIREMENTS:

1. Pursuant to 40 CFR 279.56 (Tracking) and Rule 62-710.510(1), F.A.C., the Permittee must comply with the following tracking requirements: Perma-Fix of Fort Lauderdale, Inc. shall maintain records on DEP Form 62-701.900 (13) or on substantially equivalent forms which contain at least the same information as the Department form.
 - (a) Acceptance: Used oil processors/re-refiners must keep a record of each used oil shipment accepted for processing/re-refining. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment must include the following information:
 1. The name, address and EPA identification number (if applicable) of the transporter who delivered the used oil to the processor/re-refiner, oil-burner or disposal facility;

2. The name, address and EPA identification number (if applicable) of the generator or processor/re-refinery from whom the used oil was received for processing/re-refining;
 3. The quantities of each type of used oil accepted and date of acceptance.
 4. Waste stream approval number and the off load tank number.
- (b) Delivery: Used oil processor/re-refiners must keep a record of each shipment of used oil that is shipped to a used oil burner, processor/re-refiner, or disposal facility. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment must include the following information:
1. The name, address and EPA identification number (if applicable) of the transporter delivering the used oil to the receiving facility;
 2. The name, address and EPA identification number (if applicable) of the oil-burner, processor/re-refinery or disposal facility receiving the shipment;
 3. The quantities of used oil shipped and date of shipment.
 4. The laboratory analytical number.
- (c) Record retention: The records described in paragraph (a) and (b) of this section must be maintained for at least three years. The records shall be kept at the permitted facility and shall be available for inspection by the Department during normal business hours.
2. Pursuant to 40 CFR 279.57, the Permittee must keep a written operating record at the Facility and maintained until closure of the Facility, which includes the following information:
 - (a) Records and results of used oil analyses performed as described in the analysis plan required under 40 CFR 279.55.
 - (b) Summary reports and details of all incidents that require implementation of the contingency plan as specified in 40 CFR 279.52(b).
 3. The Permittee shall maintain as part of the operating record of the Facility the inspection records and release detection monitoring records required in Rule 62-761.710, F.A.C., for aboveground storage tanks, integral piping, and process tanks.
 4. The Permittee shall maintain and operate the facility to minimize the possibility of fire, explosion, or any unplanned sudden or non-sudden release of used oil, sludges, residues or constituents to air, soil, or surface water which could threaten human health or the environment, in accordance with 40 CFR 279.52(1).

5. Pursuant to Rule 62-710.800(3), F.A.C., aboveground storage and process tanks having a capacity greater than 550 gallons, and all integral piping shall comply with the performance standards for new tanks of Rule 62-761.500, F.A.C., for existing shop fabricated/field erected tanks of Rule 62-761.510, F.A.C. Repairs to aboveground storage and process tanks shall meet the criteria of Rule 62-761.700, F.A.C.
6. The Permittee shall prevent the release of used oil, oily waste or oily wastewater to the environment. The secondary containment system shall be maintained in accordance with the permit application and shall comply with the requirements of 40 CFR 279.54, including the requirements set forth below:
 - (a) All new components shall have secondary containment as required by parts (b) and (c) of this condition prior to being put into service.
 - (b) The secondary containment system shall meet the requirements of 40 CFR 279.54 and shall be:
 1. Designed, installed and operated to prevent any migration of wastes or accumulated liquid to the soil, groundwater or surface waters.
 2. Capable of detecting and collecting releases and run-on until the collected material is removed.
 3. Constructed of or lined with materials compatible with the waste to be stored and have sufficient strength to sustain the stresses induced by a failure of the primary containment system as well as other stresses that may be induced by the environment.
 4. Placed on a foundation or base capable of providing support to the secondary containment system.
 5. Provided with leak detection system designed and operated to detect failure of either the primary or secondary containment structures or the presence of any release within 24 hours.
 6. Sloped or otherwise designed and operated to drain or remove liquids resulting from leaks, spills, or precipitation.
 7. Designed and operated, to contain 110% of the capacity of the largest tank within its boundary.
 - (c) Ancillary equipment shall be provided with secondary containment.

PART III – Non-Hazardous, Non-Used Oil Waste

1. The facility may accept non-hazardous solid wastes generated from CERCLA sites that do not qualify as used oil, such as petroleum contaminated debris and soil. The waste will be bulked and/or processed for acceptance at permitted solid waste disposal or processing facilities.
 - (a) All wastes received at the site for solidification will be received directly into a sealed roll-off container located in an area that has secondary containment. There shall be no intermediate storage of treated or untreated waste outside the roll-off.
 - (b) All waste shall be analyzed in accordance with the Analysis Plan in Attachment C of the Permit Application dated October 23, 2002. Only non-hazardous waste may be processed. Waste that is characterized as being hazardous shall be properly transported to a facility permitted to accept hazardous waste.
 - (c) Blending shall take place in the sealed roll-off container. This same roll-off will be used to transport the processed waste to a permitted solid waste facility. The amount of waste on the site shall not exceed one (1) roll-off container.

2. The permittee shall maintain compliance with the financial assurance requirements of Rule 62-701.700, F.A.C., by submitting all required updated supporting documentation in accordance with Rule 62-701.630, F.A.C., and 40 CFR Part 264 Subpart H as adopted by reference in 62-701.630, F.A.C. All submittals in response to this specific condition shall be sent to:

Florida Department of Environmental Protection
Financial Coordinator – Solid Waste Section
2600 Blair Stone Road MS 4565
Tallahassee, Florida 32399-2400

3. The permittee shall, in addition to annually adjusting the closure and long-term care estimates, adjust the financial assurance mechanism to reflect an increase in cost estimates. Cost estimate adjustments shall be in accordance with Rule 62-701.630(4), F.A.C. Instrument adjustments shall be in accordance with Rule 62-701.630, F.A.C., and 40 CFR Part 264, Subpart H as adopted by reference in Rule 62-701.630, F.A.C. Documentation of financial mechanism increases shall be submitted to the Solid Waste Financial Coordinator at the above address. All estimate update submittals shall be sent to:

Department of Environmental Protection
Bureau of Solid and Hazardous Waste
Hazardous Waste Regulation Section
Attn: Environmental Administrator – MS 4560
2600 Blair Stone Road
Tallahassee, Florida 32399 - 2400

PART IV – TANKS:

“Tank system”, for the purpose of Part III of this permit, is defined as the storage tank(s), appurtenant equipment and secondary containment structures comprising the Permittee’s used oil processing facility.

1. The Permittee shall label or mark all above ground tanks and containers used to store or process used oil, with the words “Used Oil”. [40 CFR 279.54(f)]
2. The Permittee shall inspect all regulated tank systems in accordance with procedures presented in the permit application.
3. The inspection records and release detection monitoring required in Rule 62-761.600, F.A.C., for above ground process and storage tanks shall be maintained in the Permittee’s operating record.
4. Above ground storage and process tanks having a capacity greater than 550 gallons shall comply with the performance standards of Rules 62-761.500 and 62-761.510, F.A.C.
5. The Permittee shall prevent the release of used oil or other pollutants to the environment. The secondary containment shall be sealed, free of cracks and maintained in accordance with Rule 62-761.500(1)(e), F.A.C.
6. The Permittee shall provide and maintain adequate secondary containment that shall be impervious to the types of pollutant stored in the tanks and contain at least 110 percent of the volume of the largest tank in accordance with Rule 62-761.500, F.A.C.
7. Spilled or leaked waste must be removed from the secondary containment areas within three (3) days of the incident [Rule 62-761.820(1)(d), F.A.C.]. Accumulated precipitation must be removed from the secondary containment areas within one week after a rainfall event [Rule 62-761.700(3)(a), F.A.C.]. The above materials shall be managed in accordance with Attachment H of the permit application dated October 23, 2002 as modified on December 20, 2002.
8. The Permittee shall submit the proposed or constructed new tanks as built drawings within 30 days of completion of construction. Each drawing shall be certified by a Professional Engineer registered in the State of Florida.

PART V – PREPAREDNESS & PREVENTION / CONTINGENCY PLAN REQUIREMENTS:

1. The Permittee must comply with General Facility Standards pursuant to 40 CFR 279.52 and Rule 62-710.800(1), F.A.C., as follows:
 - (a) Maintenance and operation of the facility: The facility must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or

non-sudden release of used oil to air, soil, or surface water which could threaten human health or the environment.

(b) Required equipment: The facility must be equipped with the following:

1. An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;
2. A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams;
3. Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment and decontamination equipment, as depicted in "Preparedness and Prevention Plan", Attachment F, and;
4. Water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems.

(c) Testing and maintenance of equipment: All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.

(d) Access to communications or alarm systems: Whenever used oil is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee. If there is ever just one employee on the premises while the facility is operating, the employee must have immediate access to a device capable of summoning external emergency assistance.

(e) Required aisle space: The Permittee must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any operational area of the facility in an emergency.

(f) Arrangements with local authorities: Arrangements are required to familiarize police, fire departments, local hospitals, and emergency response teams with the layout of the facility, properties of used oil handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility and possible evacuation routes.

2. The Permittee shall comply with the following conditions concerning the Spill Prevention Control and Countermeasure Plan:

- (a) The Permittee shall immediately carry out the provisions of the "Spill Contingency Plan", Attachment G, of the permit application, and follow the emergency procedures described by 40 CFR 279.52 (b) (6), whenever there is a fire, explosion, or release of used oil, oily waste or oily wastewater which threatens or could threaten human health or the environment. The Permittee shall give proper notification if an emergency situation arises, and within 15 days must submit to the Department a written report which includes all the information required in 40 CFR 279.52 (b) (6).
 - (b) Within seven days of meeting any criteria listed in 40 CFR 279.52 (b) (4), the Permittee shall amend the plan and submit the amended plan for Department approval. Any other changes to the plan must be submitted to the Department within seven days of the change in the plan. All amended plans must be distributed to the appropriate agencies.
 - (c) When the contingency plan is implemented, the Permittee shall call the Department of Environmental Protection's 24-hour emergency telephone number which is (850) 413-9911 or (800)320-0519 or, during normal business hours, the DEP Southeast District Office may be contacted at (561)681-6600.
3. The Permittee shall maintain reports of all releases that are reportable quantities as required by 40 CFR 302, as part of the facility's on-site operating. The reports shall include amount and time of release, details of corrective actions taken, and the time of the corrective actions.

PART VI – TRAINING:

1. Facility personnel must successfully complete the approved training program identified in the Training Plan (Attachment J) of the permit application dated October 23, 2002 as revised on December 20, 2002. Personnel shall not work unsupervised until training has been completed.
2. The training plan must be reviewed by facility personnel at least annually. Verification of this training must be kept with the personnel training records and maintained on-site.
3. The Permittee shall maintain an updated list of personnel handling used oil and their respective job titles at the site.

PART VII – CLOSURE REQUIREMENTS:

1. The Closure Plan:
 - (a) The Permittee shall maintain an adequate written closure plan and it must demonstrate how the Facility will be closed in order to meet the following requirements that:
 1. There will be no need for further facility maintenance;

2. Used oil will not contaminate soil, surface water or groundwater;
3. All tanks, piping, secondary containment & ancillary equipment will be emptied, cleaned and decontaminated, and all materials removed and managed; and
4. Aboveground storage tanks and process tanks and all integral piping will be closed pursuant to Rule 62-761.800, F.A.C.
5. In addition, pursuant to closure requirements of 40 CFR 279.54(h), Permittees who store or process used oil in above ground tanks must comply with the following requirements:
 - i. At closure of a tank system, the Permittee must remove or decontaminate used oil residues in tanks, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them as hazardous waste, unless the materials are not hazardous waste as defined in 40 CFR 261 or determined, pursuant to 40 CFR 262.11.
 - ii. If the Permittee demonstrates that not all contaminated soils can be practicably removed or decontaminated as required in 40 CFR 279.54(h), then the Permittee must close the tank system and perform postclosure care in accordance with the closure and post closure care requirements that apply to hazardous waste landfills as defined in 40 CFR 265.310.
- (b) The closure plan, as described in Attachment I, "Closure Plan" of the application, shall be updated whenever significant operational changes occur or design changes are made.
- (c) The closure plan shall be maintained with records required under Rule 62-710.510, F.A.C.
- (d) The Permittee shall submit an updated and detailed closure plan to the Department at least 60 days prior to the scheduled date of closing the facility.
- (e) Within 30 days after closing the facility, the Permittee shall submit a certification of closure completion to the Department that demonstrates that the facility was closed in substantial compliance with the detailed closure plan.
2. Containers: Pursuant to closure requirements of 40 CFR 279.54(h), Permittees who store used oil in containers must comply with the following requirements:
 - (a) At closure, containers holding used oils or residues of used oil must be removed from the site;

- (b) The Permittee must remove or decontaminate used oil residues, contaminated containment system components, contaminated soils, and structures or equipment contaminated with used oil, and manage them as hazardous waste unless the materials are not hazardous waste as defined in 40 CFR 261 or determined, pursuant to 40 CFR 261.11.
- 3. Tanks 4, 7, 9, 14, 15, 16, 17 and 18 were previously used for hazardous waste storage.
 - (a) Tanks 4, 7, 9, 14, 15, 16, 17 and 18 shall be closed in accordance with the closure plan dated March 18, 2003 and approved on March 31, 2003.
 - (b) Within 30 days after closing these tanks, the Permittee shall submit a certification of closure completion, including laboratory results, to the Department that demonstrates that the tanks were closed in accordance with the closure plan approved on March 31, 2003. This certification must be signed and sealed by a Professional Engineer registered in the state of Florida.
- 4. If these tanks can not be closed within 120 days of the issuance of this permit, the Permittee shall establish, and thereafter maintain, compliance with 40 CFR Part 264, Subpart H - Financial Requirements and Rule 62-730.180(7), F.A.C. All submittals in response to this Specific Condition shall be submitted to:

Financial Officer
Hazardous Waste Regulation Section
M.S. 4560
Bureau of Solid and Hazardous Waste
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

PART VIII – REMEDIATION OF SITEWIDE CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS AND AREAS OF CONCERN (SWMU'S & AOC'S):

- 1. Soil and groundwater confirmatory sampling results for this facility are documented in the Final RCRA FACILITY ASSESSMENT REPORT issued February 2001 and the subsequent revision dated March 18, 2002.
- 2. All Solid Waste Management Units and Areas of Concern have been recommended for "No Further Action at this time".

Perma-Fix of Fort Lauderdale, Inc.
3701 SW 47th Avenue, Suite 109
Davie, Florida 33314

I.D. Number: FLD 981 018 773
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Issued _____

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

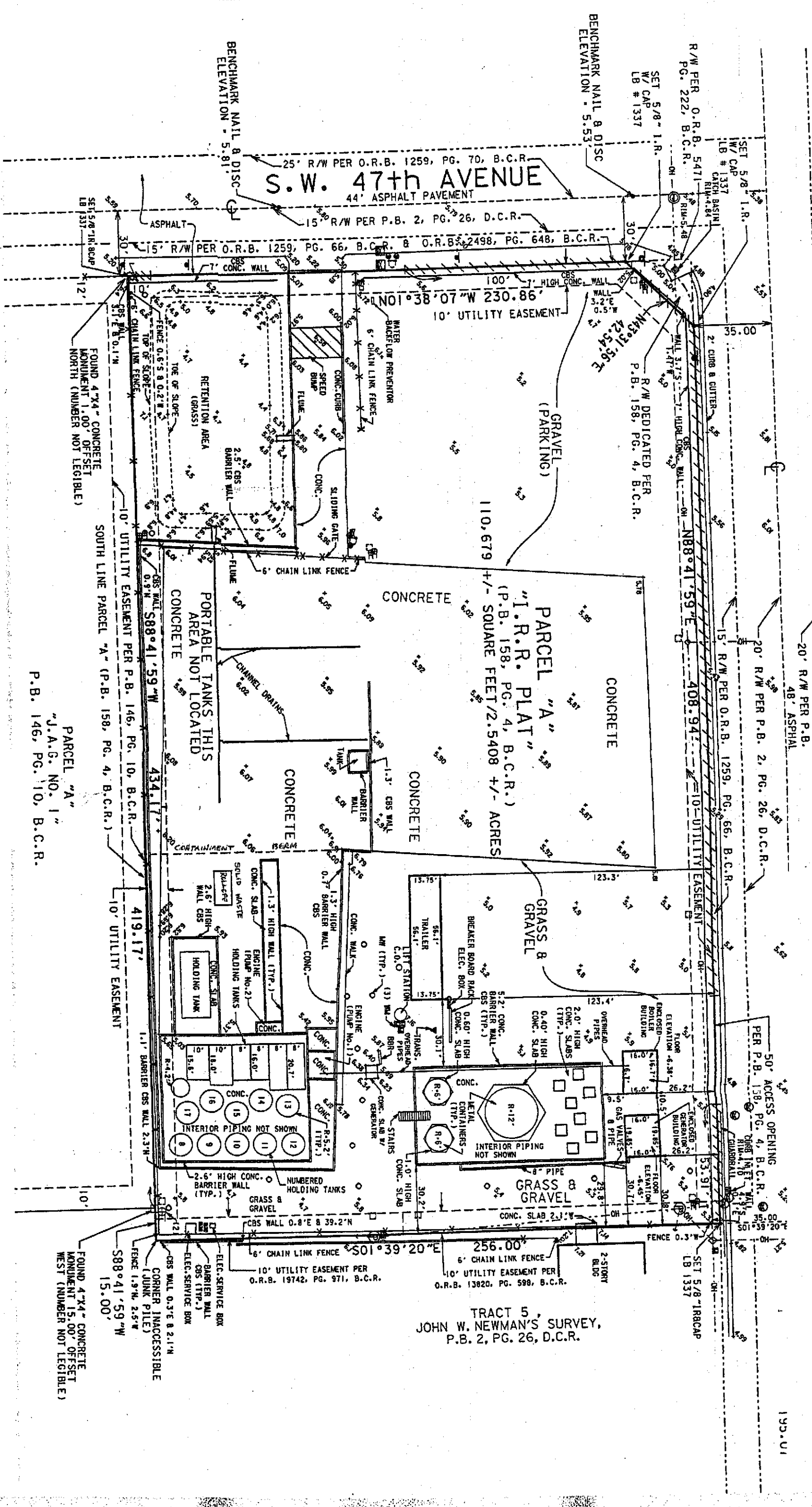
JOHN M. RUDDELL, DIRECTOR
DIVISION OF WASTE MANAGEMENT

Filing and Acknowledgment
Filed on this date, pursuant to
Section 120.52, Florida Statutes,
with the designated Clerk, receipt
of which is acknowledged.

CLERK

DATE

This is to certify that this Notice of Permit was mailed before
close of business on _____



Attachment A - Site Layout

Perma-Fix of Fort Lauderdale, Inc.
3701 SW 47th Avenue, Suite 109
Davie, Florida 33314

I.D. Number: FLD 981018 773
Permit Number: 77390-HO-003
Date of Expiration: November 19, 2007

Attachment B – Tanks and contents

Tank Number	Volume (Gallons)	Contents	Condition
Mixer	6,000	Used Oil	Good
1	8,000	Used Oil	Good
2	8,000	Used Oil	Good
3	6,000	Used Oil	Good
4	6,000	Wastewater	Good
5	10,000	Used Oil	Good
6	9,500	Waste Diesel	Good
7	10,000	Wastewater	Good
8	20,000	Used Oil & Diesel	Good
9	20,000	Wastewater	Good
10	20,000	Used Oil	Good
11	20,000	Used Oil	Good
12	20,000	Used Oil	Good
13	20,000	Used Oil	Good
14	20,000	Wastewater	Good
15	20,000	Wastewater	Good
16	20,000	Wastewater	Good
17	20,000	Wastewater	Good
20	1,000	Diesel Fuel	Good
21	100,000	Wastewater	Good

SOUTHEAST FLORIDA DISTRICT PERMIT PROCESSING WORKSHEET

LOGGING:

NAME OF PROJECT Perma - Fix of Ft. Lauderdale, Inc.
 PROJECT LOG NO. HO 06-307932 COUNTY Broward
 DATE APPLICATION RECEIVED 6/18/97 30-DAY (HW 60-DAY DATE) 7/17/97
 AMOUNT OF FEE PAID 2,000.00 COPIES OF PLANS _____
 COPIES OF APPLICATION 2 COPIES OF SPECIFICATIONS _____
 COPIES TO: CORPS _____; LOCAL PROGRAM _____; Tallahassee _____; DNR _____; OTHER _____

PERMIT REVIEW:

PERMIT ASSIGNED TO Peluso, V. AMOUNT OF FEE REQUIRED \$ _____
 DISCHARGE TO OR LOCATED IN AN AQUATIC PRESERVE: YES _____ NO _____ N/A _____

PERMIT STATUS AND CHRONOLOGY:

DATE	REVIEWER'S INITIALS	COMMENTS
		(continued on reverse side)

FIELD INSPECTION BY: _____ DATE: _____; N/A _____
 WATER MANAGEMENT COMMENTS (DATE) _____; N/A _____
 LOCAL PROGRAM APPROVAL (DATE) _____; N/A _____
 GPSI, APIS, OR PWS UPDATE DRAFTED: YES _____; N/A _____
 PUBLIC NOTICE LETTER ISSUED/PUBLISHED (DATES) _____/_____; N/A _____
 APPLICATION COMPLETION DATE _____ > DEFAULT DATE _____
 >> D.A.S. 90+ DAYS INACTIVITY AUTHORIZATION: _____ OK _____ DENY <<
 COMMENTS: _____

PERMIT, EXEMPTION, DENIAL DRAFTED BY: _____ DATE: _____
 INTENT: PROGRAM HEAD _____ PROGRAM ADM. _____
 FINAL DRAFT REVIEWED BY: _____ DATE: _____
 FINAL DRAFT APPROVED BY: _____ DATE: _____

FINAL PROCESSING:

DISTRIBUTION BY: _____ DATE: _____
 PATS UPDATED BY: _____ DATE: _____
 GPSI, APIS, OR DWS UPDATED BY: _____ DATE: _____
 WORD PROCESSOR: _____