



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER
100 ALABAMA STREET, S.W.
ATLANTA, GEORGIA 30303-3104



October 29, 1997

*John
Mary MM*

4WD-RCRA

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Armando I. Gonzalez
Chemical Conservation Corporation
10100 Rocket Boulevard
Orlando, Florida 32824

SUBJ: CERCLA Off-site Rule: Notice of Unacceptability for
Chemical Conservation Corporation, Inc.
Orange County, Orlando, Florida
Permit Number FLD 980 559 728

Dear Mr. Gonzalez:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA) has determined that conditions exist at **Chemical Conservation Corporation, Inc. (CCC)**, Orlando, Florida, EPA ID No. FLD 980 559 728, which render this facility unacceptable for the receipt of off-site waste generated as a result of removal and remedial activities under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). This determination of unacceptability will become effective sixty (60) calendar days from the issuance of this notice. At the end of the sixty (60) day period if EPA finds that the relevant violations and/or relevant conditions alleged in this notice are supported by the facts and are continuing, this determination of unacceptability will become effective as provided above. The facility will remain unacceptable until such time as EPA notifies the owner/operator otherwise.

On September 22, 1993, EPA amended the National Oil and Hazardous Substances Pollution Contingency Plan, 40 C.F.R. Part 300, by adding Section 300.440, now known as the Off-site Rule. The rule implements and codifies the requirements contained in CERCLA Section 121(d)(3), and incorporates many provisions of the November 13, 1987, OSWER Directive (No. 9834.11), known as the Off-site Policy. The Off-site Rule establishes the criteria and procedures for determining if facilities are acceptable for the off-site receipt of CERCLA waste, and outlines the actions affected by the standard. A copy of this rule is enclosed for your review.

On January 23, 1997, CCC had a release of hazardous gases from a 250 lb tote. A second incident occurred on September 22, 1997, when chromic acid was mixed with an incompatible waste resulting in a release. The relevant violation is the release of hazardous gases into the environment. The preliminary report from the Florida Department of Environmental Protection (FDEP) reveals that gases from an acidic mixture were released into the air. Local businesses were affected by these releases.

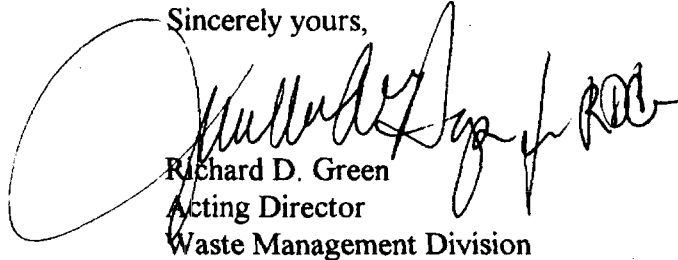
Such observations as described above demonstrate that facility-wide conditions may exist at CCC, which render this facility unacceptable. Therefore, EPA must make the preliminary determination that CCC is not acceptable for the receipt of Superfund waste at the facility described above. The Off-site Rule provides the CCC owner/operator an opportunity to request an informal conference with the responsible official to discuss the basis for the facility's unacceptable determination under the rule. The written request for an informal conference must be made within ten (10) calendar days from the receipt of this notice. Upon receipt of a timely written request, EPA shall provide the opportunity for such conference no later than thirty (30) calendar days after the issuance of this notice, if possible. During the informal conference CCC may discuss with EPA the basis for the underlying violations and their relevance to the facility's acceptability to receive CERCLA cleanup wastes.

CCC may submit written comments within thirty (30) days from the receipt of this notice in addition to, or in lieu of, requesting an informal conference. The failure to request an informal conference or submit written comments will result in no further consideration by EPA during the sixty (60) calendar days after receipt of this notice. If CCC takes advantage of the opportunity to request an informal conference and/or submits written comments within the specified time frames to EPA for review by responsible officials, EPA will inform the owner/operator of its decision after the informal conference and review of comments. Unless the information provided is sufficient to support an acceptable determination, the facility will become unacceptable on the 60th calendar day after receipt of the initial notice.

Within ten (10) calendar days upon hearing from EPA that the supplemental information is insufficient to support an acceptable determination, CCC may request that the unacceptable determination be reconsidered by the Regional Administrator (RA). Reconsideration may be by review of records, by conference, or by other methods deemed appropriate by the RA. The reconsideration will be conducted within sixty (60) calendar days of the initial notice, if possible, and does not automatically stay the unacceptable determination beyond the sixty (60) day period. The owner/operator will receive notice in writing of the decision of the RA.

In the event the unacceptable determination becomes effective, the unacceptable facility may then be considered for acceptability whenever EPA finds that the facility has fulfilled the criteria stated in 40 C.F.R. § 300.440(b). Upon such a finding, the EPA shall notify the facility in writing. If you have any questions concerning this notice, please contact Alan R. Newman by phone at (404) 562-8589 or by e-mail at newman.al@epamail.epa.gov.

Sincerely yours,



Richard D. Green
Acting Director
Waste Management Division

Enclosure

cc: ~~Richard D. Green~~, FDEP
Satish Kastury, FDEP