



# Department of Environmental Protection

*Bheen*

Lawton Chiles  
Governor

JUL 22 1996

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

RECEIVED  
RCRA

Virginia B. Wetherell  
Secretary

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

JUL 25 1996

Mr. John Ercole, CHMM  
Environment, Health and Safety Manager  
Safety-Kleen Corporation  
5610 Alpha Drive  
Boynton Beach, Florida 33426

HW-Safety-Kleen/Boynton  
Palm Beach County

RE: Request for Minor Modification (#HO50-291650) to Permit #HO50-195905 for Safety-Kleen Facility (EPA ID #FLD984167791) in Boynton Beach, Florida; Request to handle spent mercury-containing lamps.

Dear Mr. Ercole:

The Department has reviewed your modification request, as referenced. The information which you have furnished enables the Department to grant the following Class I, minor modification:

- \* On July 5, 1996, the Department received an application to modify a hazardous waste operation permit, #HO50-195905. The modification will provide for handling mercury-containing lamps as transfer waste. A designated storage area will be established in the transfer waste area. The modification is considered to be a class I modification, as per 40 CFR Part 270.42, Appendix I, A(1).

This letter must be attached to the original permit and become part of the permit.

A person whose substantial interests are affected by this modification may petition for an administrative proceeding (hearing) in accordance with Section 120.57, Florida Statutes (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 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within 14 days of receipt of this Modification. 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 determination (hearing) under Section 120.57, F.S.

The Petition shall contain the following information:

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

- (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 modification. 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 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 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 28-5.207, F.A.C.

This modification is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition and conforms to Rule 62-103.070, F.A.C. Upon timely filing of a petition or a request for an extension of time this modification will not be effective until further Order of the Department.

When the Order (Modification) is final, any party to the Order has the right to seek judicial review of the Order 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

Safety-Kleen/Boynton Beach  
Minor Modification HO50-291650for  
Operation Permit HO50-195905  
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Notice of Appeal must be filed within 30 days from the date the Final Order is filed with the Clerk of the Department.

Should you have any questions, please contact Vincent Peluso of this office, telephone number 407-681-6673.

Executed in West Palm Beach, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

Vivek Kamath 7/19/96  
Vivek Kamath, P.E. Date  
Waste Program Administrator  
Southeast District

<sup>M</sup>  
VK/JJ/vp

CERTIFICATE OF SERVICE

This is to certify that this NOTICE OF PERMIT MODIFICATION and all copies were mailed before the close of business on JUL 22 1996 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.

Andre M. Maye JUL 22 1996  
Clerk Date

Copies furnished to:

FDEP/WPB Hazardous Waste Section Permit File  
Doug Outlaw, FDEP/Tallahassee  
Kent Williams, RCRA Permitting, USEPA/Atlanta