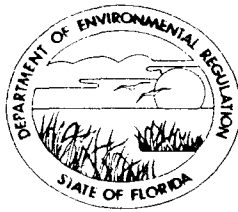


STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION



SOUTHWEST DISTRICT

4520 OAK FAIR BLVD.
TAMPA, FLORIDA 33610-7347

813-623-5561
Suncom—552-7612

BOB MARTINEZ
GOVERNOR

DALE TWACHTMANN
SECRETARY

DR. RICHARD D. GARRITY
DISTRICT MANAGER

CERTIFIED - RETURN RECEIPT

June 30, 1988

Gordan and Bonnie Burnam
Safety-Kleen Corporation
777 Big Timber Road
Elgin, Illinois 60120

JUL 5 1988

HAZARDOUS WASTE
PERMITTING

Dear Mr. and Mrs. Burnam:

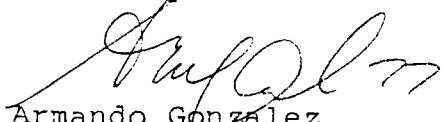
SUBJECT: Safety Kleen Corporation
FLD 980 847 271
Construction Permit HC29-118986
Construction of a Hazardous Waste Tank and Container
Storage Facility - Hillsborough County

Pursuant to Section 403.815, Florida Statute, and Rule 17-30.220(6), Florida Administrative Code, (FAC), the Department requires you to publish and broadcast, at your own expense, the attached Notice of Proposed Agency Action. Also attached are the Intent to Issue, language for the newspaper and radio announcements, and the draft permit.

Pursuant to Rule 17-30.220(6), FAC, the notice must be published one time only in the legal ad section of a major local newspaper of general circulation in Hillsborough 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.

Failure to publish this notice and provide proof of publication and broadcast within the allotted time may result in denial of the permit without any further notice or opportunity for hearing.

Sincerely,


Armando Gonzalez
Permitting Engineer
Hazardous Waste Program

cc: James H. Scarbrough - EPA/Atlanta w/attachments
Satish Kastury - DER/Tallahassee w/attachments
Melanie Curran - Hillsborough County EPC
Nancy McCann - City of Tampa

(HAZARDOUS WASTE)

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

In the Matter of an
Application for Permit by:

DER File No: HC29-118986

Gordan and Bonnie Burnam
Safety Kleen Corporation
777 Big Timber Road
Elgin, Illinois 60120 /

INTENT TO ISSUE

The Department of Environmental Regulation hereby gives notice of its Intent to Issue, and requests the publication and notice for the above referenced permit. Upon issuance of this draft permit, the Department will authorize the permittee to construct a hazardous waste tank and container storage facility. The storage facility consists of an above ground tank and two (2) container storage areas. The tank will store 15,000 gallons of mineral spirits (EPA hazardous waste D001, D006 and D008). The container storage areas will store 75,403 gallons of spent solvents (EPA hazardous waste D001, D006, D007, D008, F001 thru F005).

The Department is taking this action under the authority of Section 403.722, Florida Statutes (F.S.), and Florida Administrative Code (FAC) Chapters 17-4 and 17-30, which provide for issuance of permits to facilities that treat, store, or dispose of hazardous wastes. The issuance of this permit is based on the applicant's demonstration that this facility is in compliance with the technical and procedural requirements established in FAC Chapter 17-30 and the appropriate Sections of 40 CFR Parts 260 through 266, which were adopted by reference in FAC Chapter 17-30.

This demonstration was made in the approved application submitted with DER Form on 17-1.207(3) on April 9, 1986 and amended on August 4, August 12 and November 24, 1986 and January 2, 1987.

Pursuant to Section 403.815 and 403.722, F.S., and FAC Rule 17-30.220(6), you are required to publish at your own expense notice for the Department's Intent to Issue a hazardous waste construction permit to Safety Kleen Corporation to construct a hazardous waste tank and container storage facility at 24th Avenue and 54th Street, Tampa, Florida.

Pursuant to FAC Rule 17-30.220(6), the attached notice must be published one time only in the legal ad section of a major local newspaper of general circulation in Hillsborough County and broadcast over a local radio station within thirty (30) days from receipt of this letter. Proof of publication and broadcast must be provided to the Department within fourteen (14) days of publication of the notice.

Failure to publish the notice and provide proof of publication and broadcast within the allotted time may result in denial of the permit.

The Department shall issue the permit with the attached conditions unless an appropriate petition is filed for a hearing pursuant to the provisions of Section 120.57, F.S. At a formal hearing under 120.57(1), F.S., all parties shall have an opportunity to present evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, to file exceptions to any order or hearing officer's recommended order, and to be represented by counsel.

At an informal hearing under 120.57(2), F.S., the Department will provide affected persons or parties an opportunity to present evidence or written statement in opposition to the agency's action.

Petitions for hearing must comply with the requirements of Florida Administrative Code Rule 28-5.201, (copy enclosed) and be filed with the Office of General Counsel or the Department at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Petitions filed by the applicant must be filed within forty-five (45) days of receipt of this letter. Petitions filed by other parties, or requests for public meetings by persons, must be filed within forty-five (45) days of publication or broadcast of the public notice. Petitions or requests for the meetings which are not filed in accordance with the above provisions are subject to dismissal.

Executed in Tampa, Florida.


STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION



6/29/88

Richard D. Garrity, Ph.D.
District Manager
4520 Oak Fair Boulevard
Tampa, Florida 33610-7347
(813) 623-5561

This is to certify that this NOTICE OF INTENT TO ISSUE was mailed before the close of business on the date indicated on the return request form.


Signature

Newspaper Announcement:

PUBLIC NOTICE OF PROPOSED AGENCY ACTION

FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION

4520 Oak Fair Boulevard
Tampa, Florida 33610-7347
(813) 623-5561

THE FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION (DER) GIVES NOTICE OF ITS INTENT TO ISSUE A PERMIT UNDER THE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA), AS AMENDED BY THE HAZARDOUS AND SOLID WASTE AMENDMENTS OF 1984, SECTION 403.722, FLORIDA STATUTES, AND CHAPTERS 17-4 AND 17-30 OF THE FLORIDA ADMINISTRATIVE CODE TO Safety Kleen Corporation, 777 Big Timber Road, Elgin, Illinois 60120 having assigned facility I.D. number FLD 980 847 271. The permit, if issued, will be the State permit which covers the RCRA program that was in effect prior to the passage of the Hazardous and Solid Waste Amendments of 1984 (HSWA). The Environmental Protection Agency (EPA) may take permitting action under the requirements of the HSWA. With the State permit, Safety Kleen Corporation will have a RCRA permit for those portions of the RCRA program in effect prior to the HSWA.

The State of Florida has been granted authorization for those portions of the RCRA Hazardous Waste Program that were in effect prior to the passage of the Hazardous and Solid Waste Amendments of 1984. The Federal Environmental Protective Agency will administer the applicable portions of the Hazardous and Solid Waste Amendments of 1984 (specifically the waste minimization and prior release sections) until the State receives authorization for these provisions.

A draft permit, prepared in accordance with the provisions of Chapter 17-30 of the Florida Administrative Code, contains the conditions for the construction of a hazardous waste tank and container storage facility at 24th Avenue and 54th Street, Tampa, Florida. The storage facility consisted of an above ground tank and two (2) container storage areas. The tank will store 15,000 gallons of mineral spirits (EPA hazardous waste D001, D006 and D008). The container areas will store 75,403 gallons of spent solvents (EPA hazardous waste D001, D006, D007, D008 and F001 thru F005).

The application and a copy of the proposed 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 either:

Southwest District Office
Department of Environmental Regulation
4520 Oak Fair Boulevard,
Tampa, Florida 33610-7347.
(813) 623-5561

or

Hazardous Waste Permitting Section
Florida Department of Environmental Regulation
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
(904) 488-0130

Any interested person may submit written comments on this proposed State agency action to Hazardous Waste Permitting Section, Department of Environmental Regulation, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within forty-five (45) days of publication of this notice. All comments on the facility will be considered by the Department in formulating a decision on issuing the respective permits.

A person who is substantially affected by the Department's proposed permitting decision may request a hearing in accordance with Section 120.57, Florida Statutes, and Chapters 17-103 and 28-5, Florida Administrative Code. Any person may request a public meeting pursuant to Section 403.722(10), Florida Statutes. The request for a hearing or meeting must be filed (received) in the Office of General Counsel of the Department at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within forty-five (45) days of publication of this notice. Failure to file a request for hearing within this time frame shall constitute a waiver of any right such person may have to request a hearing under Section 120.57, Florida Statutes, or a meeting under Section 403.722(10), Florida Statutes.

If a petition on the Department's permit is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the proposed agency action. Persons whose substantial interests have been affected by any decision of the Department have the right to intervene in the proceeding. A petition for intervention must be filed pursuant to Model Rule 28-5.207, Florida Administrative Code, at least five (5) days before the final hearing and be filed with the Hearing Officer if one has been assigned at the Division of Administrative Hearings, Department of Administration, 2009 Apalachee Parkway, Oakland Building, Room 100, Tallahassee, Florida 32399-1550. If no Hearing Officer has been assigned, the petition is to be filed with the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, Florida Statutes.

Radio Announcement:

PUBLIC NOTICE OF PROPOSED AGENCY ACTION

FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION

4520 Oak Fair Boulevard
Tampa, Florida 33610-7347
(813) 623-5561

The Florida Department of Environmental Regulation (DER) gives notice of its intent to issue a permit under the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984, Section 403.722, Florida Statutes, and Chapters 17-4 and 17-30 of the Florida Administrative Code to Safety Kleen Corporation, Hillsborough County, for the construction of a hazardous waste tank and container storage facility at 24th Avenue and 54th Street, Tampa, Florida. The permit, if issued, will constitute the State permit which covers the RCRA program that was in effect prior to the passage of the Hazardous and Solid Waste Amendments of 1984 (HSWA). The Environmental Protection Agency (EPA) may take permitting action under the provisions of the HSWA. With the State permit, Safety Kleen Corporation will have a RCRA permit for those portions of the RCRA program in effect prior to the HSWA.

A person who is substantially affected by the Department's proposed permitting decision may request a hearing in accordance with Section 120.57, Florida Statutes. Any person may request a public meeting pursuant to Section 403.722(10), Florida Statutes. If a petition on the Department's permit is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final agency action may be different from the position taken in this preliminary statement. Therefore, persons who support the proposed agency action may also wish to intervene in the proceeding.

For more information concerning the applicable requirements of the petitioning process and the necessary time frames for filing, please contact the office of General Council at 904/488-9730. The application and a copy of the proposed 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 either:

Southwest District Office
Department of Environmental Regulation
4520 Oak Fair Boulevard,
Tampa, Florida 33610-7347.
(813) 623-5561

or

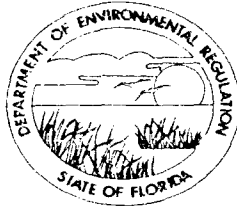
Hazardous Waste Permitting Section
Florida Department of Environmental Regulation
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
(904) 488-0130

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

SOUTHWEST DISTRICT

4520 OAK FAIR BLVD.
TAMPA, FLORIDA 33610-7347

813-623-5561
Suncom-552-7612



DRAFT

BOB MARTINEZ
GOVERNOR

DALE TWACHTMANN
SECRETARY

DR. RICHARD D. GARRITY
DISTRICT MANAGER

PERMITTEE:

Safety-Kleen Corporation
777 Big Timber Road
Elgin, Illinois 60120

Attn: Gordan and Bonnie Burnam
Owners

PERMIT/CERTIFICATION

Permit No.: HC29-118986
I.D. Number: FLD 980 847 271
County: Hillsborough
Expiration Date: Draft #1
Project: Construction of a
Hazardous Waste Tank
and Container Storage
Facility

This permit is issued under the provisions of Chapter 403.722, Florida Statutes, and Florida Administrative Code Rules 17-30. The above named permittee is hereby authorized to construct the facility shown on the application and approved drawings, plans, and other documents, attached hereto or on file with the Department and made a part hereof and specifically described as follows:

The facility covered by this permit consists of a tank and two sections in a totally enclosed container storage buildings to store hazardous wastes.

The proposed tank of 15,000-gallon capacity is an outdoor, aboveground, vertical tank, 23 feet and 3 inches in height, and 10 feet and 6 inches in diameter. The unit will be fabricated of mild steel with a 0.25 inch minimal wall thickness, and surrounded by a 30 inch concrete dike as a secondary containment. Product stored in the tank is mineral spirit. This waste is hazardous under federal and state law due to the characteristics of ignitability (D001) and possibly EP toxic for cadmium and lead (D006 and/or D008).

The container storage building consists of two sections: A and B. The drum storage areas for spent solvents have a capacity for holding 75,403 gallons. The containment system consists of 4 inches by 6 inches of concrete curbing, trenches and sumps which prevent both run-on and run-off. The drum storage areas occupy portions of building areas which have a concrete floor, berms, and interceptor trenches to form a spill containment system. The capacities of the containment system in each section are designed to be greater than 10% of the total liquid storage capacity in the drum storage areas.

PERMITTEE:
Safety-Kleen Corporation

Permit/Certification No: HC29-118986
Project: Construction of a Hazardous
Waste Tank and Container
Storage Facility

DRAFT

Drum Storage Areas:

The south west corner of storage building section A is approximately 40 feet long by 29 feet wide with capacity for:

- Two hundred fifty-two (252) 16-gallon immersion cleaner drums of listed waste from non-specific sources (F001, F002 and F004).
- Eighteen (18) 16-gallon mineral spirit dumpster mud drums classified hazardous waste due to ignitibility and EP toxicity (D001 and D008),
- Fifty-four (54) 16-gallon drums, sixty (60) 30-gallon drums and boxes (16" x 16" x 15") of dry cleaning waste from non-specific sources (F002).

Storage building section B is approximately 100 feet long by 80 feet wide, with three storage units:

- Unit 1, located at the south west corner is approximately 39 feet by 42 feet, 8 inches, designed to comply with NFPA requirement for a Class I storage facility, and will be used for future storage of paint waste and paint equipment in 16-gallon drums and 5-gallon pails. These wastes are considered to be ignitable and/or listed waste from non-specific sources (D001, D006, D007, D008, F003 and F005).
- Unit 2, located at the north of unit one, with capacity for 5,670 gallons of used immersion cleaner stored in 16-gallon drums considered to be listed waste from non-specific sources (F001, F002 and F004).
- Unit 3, located at the east side of unit one and two, with capacity for six hundred thirty (630) 30-gallon drums and two hundred fifty (250) 30-gallon drums of dry cleaning waste considered to be listed waste from non-specific sources (F002).

The following submittals were utilized in the preparation of this document and are considered a part thereof:

- The construction permit application submitted April 9, 1986.
- Information received with letter dated June 1, 1988 and received June 2, 1988.
- Information received April 15, 1988.
- Information provided with letter dated December 11, 1986 and received on January 2, 1987.
- Information provided with letter dated November 18, 1986 and received on November 24, 1986.

PERMITTEE:
Safety-Kleen Corporation

Permit/Certification No: HC29-118986
Project: Construction of a Hazardous
Waste Tank and Container
Storage Facility

- Information provided with letter dated August 7, 1986 and received on August 12, 1986.
- Information provided with letter dated July 16, 1986 and received on August 4, 1986.

DRAFT

The facility is located on 24th Avenue and 54th Street,
Hillsborough County, Tampa, Florida.

Latitude: 27° 55' 21" North Longitude: 82° 23' 4" West
Section: 27 Range: 19 West Township: 29 South

SPECIFIC CONDITIONS:

1. All construction shall be as specified in the complete permit application. Any changes or deviations in the plans shall be submitted to the Department in writing and approved by the Department.
2. The facility shall be constructed to comply with all applicable standards contained in 40 CFR Part 264 as adopted in Section 17-30.180, Florida Administrative Code, (F.A.C.).
3. Within thirty (30) days of issuance of this permit, the permittee shall submit a Certification of Construction certifying that the hereby permitted unit has been constructed as specified in the application, this permit and approved modifications as described in specific condition #1. This certification shall comply with Rule 17-30.220(5), F.A.C. The permittee shall also submit to the Department "as built" drawings, including location of all safety equipment, security devices, communication devices, water for fire control, spill control equipment, etc.
4. The permittee shall maintain financial assurances for closure (40 CFR 264.143) and financial responsibility for sudden accidental occurrences (40 CFR Part 264.147(a)).
5. The Department may modify this permit in accordance with the provisions of 17-30.290(1)(b), F.A.C.
6. Within thirty (30) days of issuance of this permit the permittee shall submit to the Department a written assessment in accordance with 40 CFR Part 264.192, that the tank system has been constructed to ensure sufficient structural integrity, and is acceptable for the storage of hazardous waste. The assessment shall show that the foundation, structural support, seams, connections, and pressure controls are adequately designed and constructed, and that the tank system has sufficient structural strength. The assessment shall comply with the certification requirements of 17-30.220(5) F.A.C.

PERMITTEE:
Safety-Kleen Corporation

Permit/Certification No: HC29-118986
Project: Construction of a Hazardous
Waste Tank and Container
Storage Facility

DRAFT

SPECIFIC CONDITIONS: (cont'd)

7. Together with the Certification of Construction, the permittee shall certify that the secondary containment meets the requirement of 40 CFR Part 264.193, and that it was constructed in accordance with Section I.E.2.C(4), page IE2-10 of the permit application. The certification shall comply with Rule 17-30.220(5) F.A.C.

8. The permittee shall install the controls required in 40 CFR Part 264.194(b).

9. Within sixty (60) days of issuance of this permit, the permittee shall complete the application for an operating permit for this facility. The complete application shall include the following:

- a. All of the information approved in the construction permit application.
- b. Additional information requested in this permit.
- c. Change required in the personnel training plan, the inspection schedule, the contingency plan, etc., which may be required as a result of any modifications.

10. An operation permit for storage in the hereby permit unit shall not be issued unless the Certification of Construction has been received and approved by the Department.

11. All documents submitted pursuant to the conditions of this permit shall be accompanied by a cover letter stating the name and date of document submitted, the number(s) of the specific condition(s) affected, and number and project name of the permit involved.

12. All submittals modifying major engineering features of the hazardous waste storage unit shall be worded, signed and certified by a qualified, independent and professional engineer registered in the State of Florida in accordance with DER Form 17-30.401(2), certification section, pages 49 and 50, item 4.

PERMITTEE:
Safety-Kleen Corporation

Permit/Certification No: HC29-118986
Project: Construction of a Hazardous
Waste Tank and Container
Storage Facility

DRAFT

SPECIFIC CONDITIONS: (cont'd)

13. The submittals in response to the specific conditions of this permit shall be submitted in triplicate to:

District Manager
Department of Environmental Regulation
4520 Oak Fair Boulevard
Tampa, Florida 33610-7347

Issued this ____ day of _____
1988.

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL REGULATION

Richard D. Garrity, Ph.D.
District Manager

RULES OF THE ADMINISTRATION COMMISSION
MODEL RULES OF PROCEDURE
CHAPTER 28-5

PART II
FORMAL PROCEEDINGS

28-5.201 Initiation of Formal Proceedings.

- (1) Initiation of formal proceedings shall be made by petition to the agency responsible for rendering final agency action. The term petition as used herein includes any application or other document which expresses a request for formal proceedings. Each petition should be printed, typewritten or otherwise duplicated in legible form on white paper or standard legal size. Unless printed, the impression shall be on one side of the paper only and lines shall be double-spaced and indented.
- (2) All petitions filed under these rules should contain:
 - (a) The name and address of each agency affected and each agency's file or identification number, if known;
 - (b) The name and address of the petitioner or petitioners, and an explanation of how his/her substantial interests will be affected by the agency determination;
 - (c) A statement of when and how petitioner received notice of the agency decision or intent to render a decision;
 - (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
 - (e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief;
 - (f) A demand for relief to which the petitioner deems himself entitled; and
 - (g) Other information which the petitioner contends is material.

A petition may be denied if the petitioner does not state adequately a material factual allegation, such as a substantial interest in the agency determination, or if the petition is untimely. (Section 28-5.201 (3) (a), FAC).

17-103.150 Petition for Administrative Hearing
Waiver of Right to Administrative Proceeding

(1)(a) Any person whose substantial interests may be affected by proposed or final agency action may file a petition for administrative proceeding. A petition shall be in the form required by this Chapter and Chapter 28-5, F.A.C., and shall be filed (received) in the Office of General Counsel of the Department within fourteen (14) days of receipt of notice of proposed agency action or within fourteen (14) days of receipt of notice of agency action whenever there is no public notice of proposed agency action. In addition to the requirements of Rule 28-5.201, F.A.C., the Petition must specify the county in which the project is or will be located.

(b) Failure to file a petition within fourteen (14) days of receipt of notice of agency action or fourteen (14) days of receipt of notice of proposed agency action, whichever notice first occurs, shall constitute waiver of any right to request an administrative proceeding under Chapter 120, F.S.

(c) When there has been no publication of notice of agency action or notice of proposed agency action as prescribed in Rule 17-103.150, F.A.C., a person who has actual knowledge of the agency action or has knowledge which would lead a reasonable person to conclude that the Department has taken final agency action, has a duty to make further inquiry within fourteen (14) days of obtaining such knowledge by contacting the Department to ascertain whether action has occurred. The Department shall upon receipt of such an inquiry, if agency action has occurred, promptly provide the person with notice as prescribed by Rule 17-103.150, F.A.C. Failure of the person to make inquiry with the Department within fourteen (14) days after obtaining such knowledge may estop the person from obtaining an administrative proceeding on the agency action.

(2)(a) "Receipt of notice of agency action" means receipt of written notice of final agency action, as prescribed by Department rule, or the publication, pursuant to Department rule, of notice of final agency action, whichever first occurs.

(b) "Receipt of notice of proposed agency action" means receipt of written notice (such as a letter of intent) that the Department proposes to take certain action, or the publication pursuant to Department rule of notice of proposed agency action, whichever first occurs.

(3) Notwithstanding any other provision in this Chapter, should a substantially affected person who fails to timely request a hearing under Section 120.57, F.S., administratively appeal the final Department action or order, the record on appeal should be limited to:

(a) the application, and accompanying documentation submitted by the applicant prior to the issuance of the agency's intent to issue or deny the requested permit;

(b) the materials and information relied upon by the agency in determining the final agency action or order;

(c) any notices issued or published; and

(d) the final agency action or order entered concerning the permit application.

(4) In such cases where persons do not timely exercise their rights accorded by Section 120.57(1), F.S., the allegations of fact contained in or incorporated in the final agency action shall be deemed uncontested and true, and appellants may not dispute the truth of such allegations upon subsequent appeal.

(5) Any applicant may challenge the Department's request for additional information by filing with the Office of General Counsel an appropriate petition for administrative proceeding pursuant to Section 120.60, F.S., following receipt by the applicant of the Department's notification, pursuant to Section 403.0676, F.S., that additional information is required.