

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

CERTIFIED - RETURN RECEIPT

7000 0520 0021 3377 2425

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

RECEIVED

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.

"More Protection, Less Process"

Printed on recycled paper.

January 5, 2004

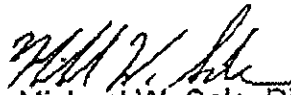
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This determination constitutes final agency action within the meaning of Chapter 120, Florida Statutes. Persons whose substantial interests are affected by this Order have the rights outlined in Exhibit 1, incorporated herein. Perma-Fix of Fort Lauderdale, 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

Jan 9 + 45 days = Feb 23 + 45 days = Apr 8

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.