



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

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.

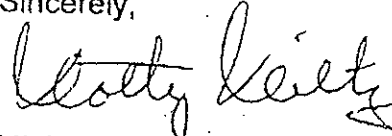
Please submit a complete response with all required information within 30 days.

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 black ink, appearing to read "Michael W. Sole". The signature is fluid and cursive, with a large initial "M" and a stylized "S".

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.