

Thursby, Kim

From: Dee Miller [deemiller@tampabay.rr.com]
Sent: Monday, September 28, 2009 1:07 PM
To: Epost HWRS
Subject: Re: Florida, Recycling Solutions, LLC;FLR 000 034 033;294693-HO-001;Comments to Second Notice of Deficiency Response (NOD-3)

We received the email dated 9/11/09.
Dee Miller

Epost HWRS wrote:

>
> In an effort to provide a more efficient service, the Florida
> Department of Environmental Protection's Hazardous Waste Regulation
> Section is forwarding the attached document to you by electronic
> correspondence "e-correspondence" in lieu of a hard copy through the
> normal postal service.
>
> We ask that you verify receipt of this document by sending a "reply"
> message to epost_hwrs@dep.state.fl.us
> <mailto:epost_hwrs@dep.state.fl.us>. (An automatic "reply message" is
> not sufficient to verify receipt). If your email address has changed
> or you anticipate that it will change in the future, please advise
> accordingly in your reply. You may also update this information by
> contacting Kim Thursby at (850) 245-8792.
>
> The attached document is in "pdf" format and will require Adobe Reader
> 6 or higher to open properly. You may download a free copy of this
> software at www.adobe.com/products/acrobat/readstep2.html
> <<http://www.adobe.com/products/acrobat/readstep2.htm>>.
>
> Please note that our documents are sent virus free. However, if you
> use Norton Anti-virus software, a warning may appear when attempting
> to open the document. Please disregard this warning.
>
> Your cooperation in helping us affect this process by replying as
> requested is greatly appreciated. If you should have any questions
> about the attached document(s), please direct your questions to the
> contact person listed in the correspondence.
>
> Tim Bahr
>
> Environmental Administrator
>
> Hazardous Waste Regulation
>
> Department of Environmental Protection
>
> E-Mail Address: epost_hwrs@dep.state.fl.us
> <mailto:epost_hwrs@dep.state.fl.us>__
>
>
>
> /The Department of Environmental Protection values your feedback as a

> customer. DEP Secretary Michael W. Sole is committed to continuously
> assessing and improving the level and quality of services provided to
> you. Please take a few minutes to comment on the quality of service
> you received. Simply click on this link to the DEP Customer Survey
> <<http://survey.dep.state.fl.us/?refemail=EpostHWRS@dep.state.fl.us>>.
> Thank you in advance for completing the survey./ / /



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

September 11, 2009

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

SENT VIA E-MAIL

deemiller@tampabay.rr.com

Mr. Dee Miller, General Manager
Florida Recycling Solutions, LLC
3210 Whitten Road
Lakeland, Florida 33811

RE: Florida, Recycling Solutions, LLC
EPA ID No. FLR 000 034 033
Permit Number: 294693-HO-001
New Used Oil Processing Facility Permit Application
Comments to Second Notice of Deficiency Response (NOD-3)

Dear Mr. Miller:

The Florida Department of Environmental Protection (the Department) has received your responses to NOD-2 comments letter dated July 30, 2009 to the permit application dated February 23, 2009 to operate a Used Oil Processing facility at 3210 Whitten Road, Lakeland, Florida, 33811.

The review of the permit application indicates that it is incomplete. Please provide the information requested in the enclosed attachment. In preparing your response, the Department recommends that you identify each comment followed by your response and also provide your revised pages of the application. The revised pages are to include the new revision date.

Further action on processing your application is temporarily held in abeyance pending receipt of your complete response. Please submit three copies of your written response (two copies to the Tallahassee Hazardous Waste Regulation Section, and one to the Southwest District office). If you cannot submit all this information within 30 days, you must formally request an extension and provide a schedule, with dates, indicating when this information will be submitted.

In addition, the Department recommends that a meeting be scheduled at your facility to discuss the application before you submit your response.

Should you like to arrange a meeting or if you have any questions, please contact Bheem Kothur at 850-245-8781, e-mail: Bheem.kothur@dep.state.fl.us.

Sincerely,

Bheem Kothur, P.E. III
Hazardous Waste Regulation

Mr. Dee Miller, General Manager
September 11, 2009
Page Two

BK/

Enclosure: Attachment

cc: Jim Dregne, DEP/Southwest District, james.dregne@dep.state.fl.us
Michael Stillinger, Imperial Testing Laboratories/Lakeland, mike@imperialtesting.com
Fred Wick, DEP/Tallahassee, fred.wick@dep.state.fl.us
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Beth Knauss, DEP/Southwest District, elizabeth.knause@dep.state.fl.us

ATTACHMENT

September 11, 2009

FLORIDA RECYCLING SOLUTIONS, LLC

Lakeland Florida

EPA I.D. Number: FLR 000 034 033

NOD-3

Comments on FRS's Response to the Second NOD dated July 30, 2009 and DEP received on August 3, 2009. Comments are identified in the same order of NOD-2 Items.

General Comment, Item 1:

The description of the transfer of recovered non aqueous phase liquid between Aqua Clean and FRS assumes that the material Aqua Clean recovers is "used oil." Unless the waste water processed by Aqua Clean was contaminated with used oil, the regulatory status of this material is a waste water treatment sludge that is being processed to be burned for energy recovery. See 40 CFR 260.10 and 261.2 and 279.10(f). Other recovered non aqueous phase liquids are not "used oil" as defined in Florida statutes and regulations. Recovered gasoline, diesel fuel and used oil are exempt from regulation when burned as fuel. However other recovered liquids are not exempt if they exhibit a characteristic of hazardous waste. The statement in this section "ACE will continue to accept...oily waste waters for the recovery of product through phase separation. Upon completion of the recovery, the product will be transferred to FRS for processing into marketable fuel" should be revised.

The statement "FRS will accept, after screening, phase separated oils from ACE" omits the nature and frequency of screening. In addition, the section does not describe whether this is a batch transfer or a continuous transfer. Does FRS intend to accept material from Aqua Clean with a "generator process knowledge" based on certification alone rather than an analysis?

Please review, revise and explain in detail as appropriate.

Specific Comment, Item 8:

In Secondary containment, the piping from the tank to the process heaters is not clearly identified. The location of this equipment, the used oil piping to and from the heat exchanger(s) and the piping supplying fuel to the heat exchanger(s) is not noted on the facility diagram. This information is needed to evaluate the adequacy of the secondary containment system. Diagram IIC has a label "Fully enclosed area" around the base of the Tank 17 that is not shown in facility photographs in 2007. Does it provide the Secondary containment for the piping from Tank 9 to the heaters?

Please clarify and revise as appropriate.

Attachment II, and Item 15:

The submitted drawings do not show the piping to and from the tank system to ensure it is within secondary containment. Please submit the updated drawing including pump P3 and its piping arrangements.

Attachment III, Material Data Certification Sheet Appendix B, and Item 26:

The revised sheet still includes the symbols for “less than” and “greater than” instead of “less than/greater than **or equal to**” with regard to flash point and pH. Please revise so that the form is in accordance with the regulatory limits. In addition, you should request that the generator specify the test method used for the flash point determination.

___ ≤ 140 ___ between 140 and 200 ___ ≥ 200 ___ Test method used.

___ ≤ 2 ___ between 2 and 12.5 ___ ≥ 12.5

The waste approval certification form’s certification statement mentions Aqua Clean, not FRS. (pg 2) If FRS intends to accept material from ACE based upon “process knowledge” certificate, both parties must review and approve the profile information submitted. Please see the next comment below.

Attachment III, Material Data certification Sheet, Appendix B, and Items 28 and 29:

Please advice of the results of your review comments/ responses on NOD-2.

Section II – Operating information, Page 1 and 2:

This section still discusses ACE activities and process units that will not being operated by FRS. If the operations of the two companies cannot be separated in the application, the Department will not be able to draft a permit that covers only FRS activities and not ACE activities.

Please review the section and revise as appropriate.

Section III- Operating Information, Sub-Section 5.0, and Page 8:

The used oil filter processing activities described in this section require a separate registration as a used oil filter processor. The majority of this discussion should be moved out of the “waste analysis” section into the “operating information” or “Process Flow” section. The section in the waste analysis plan related to used oil filters should be limited to the physical examination of the filters, and rejection criteria for filter drums found to contain other materials. FRS’s permit application does not include activities related to solids processing, and references to oily solids should be removed in accordance with your response #13 dated July 30, 2009 and DEP received on August 3, 2009.

Please review and revise as appropriate.